

THE DVTIES ² OF

Constables, Bursholders,
Tythingmen, and such
other low and lay Ministers
of the PEACE.

Whereunto be adioyned the
seuerall Offices of Church Ministers
and Churchwardens, and Ouerseers for
the Poore, Surueyors of High-waies, and
Distributors of the prouision against
noysome Fowle and
Vermine.

First collected by WILLIAM LAMBARD
of Lincolnes Inne Gent.

And now lately enlarged.



LONDON,
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Anno Domini 1624.

Cum Priuilegio.

THE DAVIES

London, England
that has been...
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¶ The Duties of Constables, Bor-
sholders, Tythingmen, and such
other Low Ministers of
the Peace.



Understanding by *The Pre-*
face.
sundry friends of
mine, that many
well disposed men
do earnestly wish,
that some one short
and plaine collecti-
on might be made

of the Duties of High Constables, Pettie
Constables, Borsholders, Tythingmen,
Headboroughs, and such like inferiour
Ministers of the Kings Maiesties peace:
to the end, that when any of them should
be called to any of the said Offices (or the
like) they might the better behaue them-
selues in doing the same. I haue thought
it is a thing worthy the labour, to send a-
broad amongst them this little Treatise,
which I haue drawne, to satisfie in some
part their honest desire: heartily praying
vnto God, that as their knowledge may
be encreased in the reading hereof, so also
their diligence may bee amended in the

4 The duties of Constables,

practise of the same, to the setting forth of the gloꝝy of God, and to the aduancement of the Kings Maiesties seruice in this behalfe.

The distinction of this worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned men doth requiꝛe: I will first speak somewhat, both of the sundry names & beginning of these Officers, and then afterward I will goe in hand with the parts of their severall duties.

The names of the officers

3 The sundrie names of Constables, or High Constables, that bee of Bathes, Rapes, Wapentakes, Hundreds, & Franchises, and the diuers names also of Constables, petie Constables, Tythingmen, Bozholders, Bozoheds, Headbozowes, chiefe pledges, & such other (if there be any) y^e beare office in towꝛns, parishes, hamlets, tithings, or bozows (soꝛ of cōstables of castles, otherwise called Castellans, and such others I mean not to entreat) are all (in effect) but two, that is to say, Constables & Bozholders, soꝛ these two wordes doe containe as much as all the rest of those names, and to those two all the rest of them may be reduced: and therefore in speaking generallly of those two, I will passe along and touch all the rest also.

4 The

4 The name Constable, is made (as Consta-
bels name.
I haue read) of two English words put
together, namely cunning (or crying) and
Staple, which do signifie, y^e stay (or hold)
of the l^r. For by the auncient custome of
this realm, there is a great Officer called
the Constable of England, who by means
of the high autherity that hee had, was a
principall stay vnto the Kings gouerne-
ment: and this man had iurisdiction & au-
thority in deeds of Armes, and matters of
war, both within and without the realm.
Out of which office, this lower Constable-
ship was at the first drawn & fetched,
and is (as it were) a very finger of y^e hand.
For the statute of Winchest. which was
made in the time of K. Edw. the first, and
by which these lower Constables of Hun-
dreds and Franchises were first ordained,
doth (amongst other things) appoint, that
for the better keeping of the Peace, two
Constables in euery Hundred and Franchi-
se, should make the view of Armes.

So then, the name of Constable in a
Hundred or Franchise doth mean, that he
is an Officer, that supporteth the Kings
Maestie, in y^e maintenance of this peace,
within the precinct of his hundred or fran-
chise: & he is many times called the High
Constable in cōparison of the Constables
or petty Constables, that be in the towns,

His begin-
ning.

6 The duties of Constables,

02 parishes within his Hundred, 02 Fran-
chise: whose part it likewise is, to main-
taine the peace within the severall limits
of their owne towne, 02 parishes.

Barthol-
bers name.

5. As touching Borsholders (which is
the other generall name, & doth containe
within it y meaning of Tythingmen, Bo-
rowheads, Headborows, Thirdborowes,
and Chiefe pledges) it also is made up of
these two English words, Borhes & Eal-
der, of the which, Borhes betokeneth pled-
ges, and Ealder signifieth the Chiefe, the
Head, 02 the Elder: and Borshsealder in
one word, doth meane the chiefe (02 head)
of the sureties 02 pledges.

His two
Offices.

6. But now, that you may the better
understand what is meant by this, you
must farther know, that every of these
Borsholders, Tythingmen, Borowheads,
Headborowes, Thirdborowes, & chiefe
pledges, hath two severall offices at this
day: the one being his auncient and first
office, and the other his later made office.

His first
Office.

7. His first office begun thus: by the
antient lawes of this realme (before the
conquering in of k. William the Conque-
r02) it was ordained for the more sure kee-
ping of the peace, & for y better repressing
of thieves and robbers, that all free bozne
men should call themselves into severall
companies, by ten in each companie: and
that

Archiaos-
nomia.

that euery of these ten men of the companie, should be suretie and pledge for the forth-comming of his fellowes: so that if any harme were done by any of these ten against the Peace, then the rest of the ten should be amerced, if he of their companie that did the harme, should flye, and were not forth-comming, to answer to that wherewith he should be charged.

And for this cause, these companies be yet in some places of England (as namely with vs in Kent) called Borshes, of y^e said word Borshes, Pledges, or sureties; albeit in the Westerne parts of this realm they be commonly called Tythings, because they containe (as I told you) the number of ten men, with their families. And euen as ten times ten do make an hundred: so, because it was then also appointed, that ten of these companies should at certaine times meet together, for their matters of greater weight; therefore that generall Assembly (or Court) was (and yet is) called an Hundred.

Furthermoze, it was then also ordained, That if any man were of so euill credite, that he could not get himselfe to be receiued into one of these Tythings, or Boroos, he should be shut vp in prison, as a man unworthie to liue at libertie, amongst men abroad.

Tithing-
men.Headbo-
rough, &c.

8 Now whereas euerie of these Tythings (or Boroos) did ble to make choise of one man amongst theselues, to speak, & to do in the name of the all: he was therfore in some places called *the Tithingman*, in other places the Boroos Elder (who we now call *Bozholdst*) in other places the *Bozow head* or *Headbozow*, and in some other places the chiefe pledge, which last name doth plainly expound the other three that are next before it: for *Head* or *Elder* of the Boroos, & chief of the pledges, be all one; & in some shires, where euery *Thirdbozow* hath a *Constable*, there the officers of the other two be called *Thirdbozowes*

Old orders
in Tith-
ings.

9 Moreover, in these Tithings (or Boroos) sundrie good orders were obserued, & amongst others, first, that euery man of the age of xij. yeres shold be swoyn to the King: then that no man shold be suffered to dwell in any Towne or place, vnllesse he were also receiued into some such suretiship & pledge as is aforesaid. Thirdly, y if any of these pledges were imprisonned for his offence, then hee ought not to be deliuered without the assent of the rest of his pledges. Again, that no man might remoue out of one Tithing (or Boroos) to dwell in another, without lawfull warrant in that behalfe. Lastly, that euery of these pledges shold yearely be presented and brought

Itin. Kane.

Vide 45.
Ed. 3. 27.
Et Kitch.
fol 12.

brought forth by their chiefe pledge at a generall assembly for that purpose, which we yet in remembrance therof do call, the View of Frankpledge, or the Leet court.

10 Hitherto I haue opened the antient Office of the Borsholder, Tythingmen, & the rest, whereof also there is get to this day some shew or remnant in our Leets, (or Law daies,) but if the verie substance therof were throughly performed (as I know no let but that by law it may) then should the peace of the land bee much better maintained than now it is.

As touching the latter office that these Borsholders, Tythingmen, Headboroughs, Borsheds, Thridboroughs, & chief pledges haue, it is in maner all one with the office of a constable of a towne, or parish, which is commonly named a petie Constable, or vnder Constable, because hee is a small constable in respect of the constable of his hundred, within whose limit he is.

For as about the beginning of the reign of R. E. 3. petie Constables were deuised in townes and parishes for the aide of the Constables of the Hundred: so of latter times also, Borsholders, Tythingmen, Headboroughs, & such like haue beene vled as Petie Constables, within their owne Boroughes & Tythings. And yet not so vniuersally, but that some of them haue at
this

this latter office.

Kane.

45.
27.
tch.
e.

this day none other but their old office. For in some of the Westerne parts of England, you shall see that where there be many Tythingmen in one parish, there onely one of them is a Constable for the King, and the rest do serue but as the ancient Tythingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the P. let vs also come to the parts of their common and seuerall duties.

Division of
their office.

II For as much as a great and chiefe part of the duty, both of these High Constables of Lathes, Tapes, wapentakes, Hundreds, and Franchises, and also of these Constables, Pettie Constables, Tythingmen, Borsholders, Borowheads, Headborowes, Thirdborowes, Chiefe Pledges, & such like Ministers, by whatsoever other names they be called, in any Towns, Parishes, Tythings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Kings Maiesties peace, wherein (as also in some other points) the power of them all is alike, and but one, within their seuerall limits & places of authoritie: therefore I thinke it good to shew first, what their common and equall dutie is in matters concerning the Peace, either by their owne authoritie, or vnder the authoritie of

of others: then after ward to declare what their common and like duetie is in some other things not concerning the Peace: lastly, to open those things wherein they haue a distinct and seuerall dutie one from another of them.

12 The conseruation, or maintenance Their Of-
of the peace standeth in three things, that sic concer-
is to say: first, in foresceing that nothing ning the
be done, that tendeth either directly, or by Peace.
means, to the breach of the peace: second-
ly, in quieting or pacifying those that are
occupied in the breach of the Peace, and
thirdly, in punishing such as haue already broken the peace.

And here, least any man should be de- what is
ceined, in not vnderstanding what is the breach
meant by these words, The breach of the of the P.
peace, he must first of all know, that by
breach of the peace is vnderstood, not on-
ly that fighting, which we commonly call
the breach of the peace, but also y^e euery
murder, rape, manslaughter and felonie
whatsoever, and euery affraying (or put-
ting in feare) of the Kings people, whe-
ther it be by unlawful wearing of armor,
or by assembling of people to do any un-
lawfull act, are taken to be disturbances,
or breaches of the peace.

13.H.7.10.
Cur.

13 But now for the better preventing To prevent
that nothing be done against the Peace, things a-
gainst the
any Peace.

any of these Officers aforesaid may take (or arrest) suspected persons, which walke in the night, & sleepe in the day, or which do haunt any house, where is suspition of bawdry, & they may carry them before a Justice of the Peace, to finde sureties of their good behauiour. And if any such officer be not of sufficient strength to do that alone, then may he take meet ayd of his neighbors thereto: and they in such cases be compellable to helpe and assist him.

Any of these Officers may also arrest such strange persons as doe walke abroad in the night season: and for that cause the said statute of Winchest. did ordaine, that night watches should be kept yereely frō the feast of the Ascension vntill Michaelmas, by fire men at euerie gate of euerie Citie, by twelue men in euerie Borough Towne, & in euerie other Towne by fire men, or foure men, or according to the number of inhabitants in the towne, all the night long, from Sun-setting to sun-rising: so that if any stranger did passe, he should be arrested till the morning, & then set at large (if no suspition were found of him) but if any suspition fell out against him, then he should be imprisoned, till hee might be lawfully deliuered. And of these watches, the officers before named haue the charge within the limits (or places)

of

Fit. in IuR.
del P. 171.

13. Ed. 1.

of their authorities, as the Constable in his towne, the Borsholder in his borow, and the High Constable within all his Hundzed : and these Officers ought to see these watches duely set & kept, and ought also to cause Hvy & Cry to be raised after such as will not obey the arrest of such watchmen.

St. North.

2.E.3. ca.3.

Againe, if any person whatsoener (except the kings seruants and Ministers in his presence, or in executing his precepts or other offices, or such as shall assist thē : and except it be vpon Hvy and Cry made to keepe the peace, & that in places where acts against the peace doe happen) shall be so bold, as to goe, or ride armed, by night, or by day, in faires, Markets, or any other places : then any Constable, or any other of the said Officers, may take such armour from him, for the kings vse, and may also commit him to the Gaole. And therefore it shalbe good in this behalfe, for these officers to stay & arrest all such persons as they shall finde to carry Dags or Pistols, or to bee apparrelled with prync coats, or doublets, as by the proclamation (made in the xxi. yēre of the reigne of the late Quēn Eliz.) they are specially commanded.

21.El.Reg.

27.R.2.c.3.

Furthermoze, if any great assembly or tumult of people be made in manner of insurrection,

urrection, then the Sheriffes, Constables, and these said other Ministers, hauing knowledge thereof, ought to goe with the strength of the Countie, and to set themselves against it, and ought also to take and imprison such offenders.

Lastly, if any man doe threaten to kill another, and he which is so threatned, doe pray any of these Officers to arrest the other, to finde sureties of the Peace: then may such an officer arrest him, to find such suretie befoze a Iustice of the Peace, and may also carrie him to prison, if he refuse to find it: But if he yeld to goe, it shall be good to take the partie threatned, to the Iustice with him.

Barre 202.
en Fitzh.
22. Ed. 4. 35.
Brian.

To pacifie
and punish
the breach
of the peace

14 Thus much I haue spoken of those things which do bend towards the breach of the peace: but now I will come nêrer to the breach it selfe, and withall, to the pacifying and punishing of the same.

If therfoze a Constable, or any other of the said Officers, shall see any man going about to breake the Peace, as by vsing hot words, by which an Affray is like to grow; then ought such Officers to command those persons to auoid, vpon paine of imprisonment: and if they will not depart, but shall draw weapon, or giue any blow, then ought he to doe his best to depart them, and to keep them asunder, and
he

3.H.7.10.
21.H.7.21.

he may (for that purpose) both use his owne weapon, and may also call others to assist him. In which doing, if any such officer, or other person coming on his part, doe take hurt, he shall haue good remedie by action against him that did the hurt: but if any of them that made the Affray, be hurt by such officer, or by any of his company, then such a hurt person hath no remedie at all for it.

13.Ed.4.9.

And if he that maketh an Affray, do flye into an house, whē such an officer cometh to arrest him, then may that officer breake open the doores, to take him: and if he that made the Affray, do flye from thence also, yet may the officer follow him, & in fresh suit take him, though it be in another Shire, or Countie.

So, if women be fighting together in a house (the doores being shut) yet may such an officer breake open the doores, to cause the Peace to be kept, though none of the parties haue taken hurt. And in both these cases, such an Officer may carry them before a Iustice of the Peace, to find Suretie for the Peace, because they haue broken the Peace already, & are meet to be bound that they shall not breake it againe.

Fitzh. 72.
38.Ed.3.6.
& 22.li Aff.
56.

But if any of the parties to an Affray, haue receiued any dangerous hurt, then ought such Officer to arrest him that did the

the

the hurt, & to carry him to y^e Gaole, there to remaine till he find suretie to appeare at the next Gaole deliuerie: otherwise he may with lesse labour carrie him to a Iustice of the Peace, or to a Coroner, who ought to take order for such suretie, because the fact may fall out to be Felonie, if so be that he which was hurt doe happen to die within one yere and a day next following such hurt done vnto him.

And as these Officers ought to arrest s.H.7.6.
those that doe make assault vpon any private person, so also may they arrest anie such as shall make assault (or Affray) vpon themselves whilest they be in doing their offices: & may for y^e purpose both lawfully defend themselves, & also take y^e offenders, & commit them to the Gaole, or carrie them to a Iustice of the P. for the finding of such suretie as is also said.

But if one doe assault a man, in or nigh the highway, to robbe him, and be taken by the true man, or by any other, and bee brought to the Constable or such other Officer of the place: then ought such Officer, not onely to take him to his Ward, but also to carrie him befoze a Iustice of peace, to cause him to giue suretie for his Good abearing.

Barre 101.
in Fitzh.

So if any man doe suspect another of Murder, or Felonie, and doe declare the s.E.3.c.14.
17.E.4.5.
same

same to any such officer of the place, then such Officer may arrest the suspected person, and he shall doe well to carry him to a Justice of the Peace, together with him that doth suspect him, to the end that they both may be examined as appertaineth. **¶** Yea, any of these said officers may search within the limit of his authoritie, for anie persons suspected of Felonie: for it is a cheife part of their office to represse Felons.

2.Ed.4.3.

3.H.7.45.

And therefore any of these officers may (of his owne authoritie) arrest one that is indicted of Felonie: So, if the common voyce and fame be, that .B. A. hath done a felony, that is a sufficient cause for any of these Officers (that shall thereof suspect him) to arrest him for it.

3.E.3.Itin.
Northumb.

And if any man shall die upon Felony, it is the Office of the Constable of the Towne, or of any of these other Officers there, to seise his goods, and to keepe them safely: for he is to answer for the losse or impairing of them, and therefore it is meet that he doe it by Inuentorie taken in the presence, and by the the testimonie of the honest neighbours.

1.H.7.7.

And I like well of their opinion, which do hold, that if information be given to any such officer, that a man and a woman be in Adultery, or Fornication together,

then the officer may take companie with him, and that if he find them so, he may carry them to prison.

But this is to be marked, that in the cases befoze, and such like where such an officer hath arrested, or hath in his ward any offender that ought to be carried to the Gaole, there such an Officer is not bound forthwith to carrie him, but may well so; a reasonable time keepe him in the Stocks, untill that conuenient provision of strength may be made to coney him safely thither. And when hee shall bring such Offender to the Gaole, then ought the Gaoler to receiue the same freely, without taking any thing of the Officer for it.

3.H.4.9.
22.E.3.35.

4.E.3.c.10.

Seruing
of precepts

15 Hetherto (as you see) I haue spoken of the Constable, and of these other Officers, so far only as they haue authoritie by their Offices, without any commandement from others; but for as much as a great part of their duetie (concerning the Peace) resteth in the making of due execution of the precepts of higher Officers, and especially of the Iustices of the Peace, who be (as it were) immediately set ouer them, let vs also see after what maner these Constables and other the said inferior Ministers of the Peace, ought to behaue theselues in that behalf.

Albeit

Albeit then, that the said Officers bee Precepts. subiect to the Commandements of the Iustices of Gaole deliuey, and of Oyer and Terminer, and of some higher Iustices, yea, and to the Precepts of Coroners also, and of other Officers, in some certain cases, yet, because most commonly they are called vpon by the Iustices of Peace, they ought specially to shew themselves obedient to their Precepts, who (as it may appeare by some old Presidents) haue authoritie to remoue insufficient Constables & Borsholders, and to substitute able persons in their place. Neither ought these Officers to dispute whether their Commandements be grounded vpon sufficient authoritie, or no: as knowing that although a Iustice of the peace (which is a Iudge of Record) should direct a warrant beyond his authoritie to a Constable, or one other of the said Officers yet shall such Officer be holden excused for executing the same, howsoeuer that Iustice of Peace himself be blamed for it.

If therefore a Warrant for the Peace, or good abearing, happen to be directed to any of these said Officers, then ought hee with all speed and secrecy to find out the partie: and then also hee may lay his hands vpon him, and shew him the mat-

14.H.8.c.

18

21.H.7.22.

9.
.35.

c.15.

ter, and require him in the kings name to goe with him to put in suretie according to the Warrant. And this if the partie shall refuse to doe, then ought the Officer forthwith to arrest him, and to conuey him to Prison, without carrying him to any Justice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating or hurting of him. 21.H.7.39.

But if the party shall yeld to goe and giue suretie, and yet will not goe to such Justice as made out the Warrant, but to some other Justice, then ought such Officer to giue him that libertie, so that it bee not far out of the Limit: for else so great trouble might follow vpon the officer, as rather he than the offendor, might seme to be punished by it. 21.H.7.20.

And here the officer must take regard, and consider whether the Warrant doe come direaly from the more authoritie of the Justices of peace, or else be grounded vpon a Writ of Supplicauit sent downe from higher authoritie (which difference ought to appeare plainly in all warrants that be wel and orderly made.) And if the warrant be grounded vpon such a Writ, then may such Officer compell the partie to go to the very same Justice or Justices of

of peace that made out the Warrant, and otherwise he may carry him to prison, as is said befoze.

Neither is it requisite; that such an Officer should daunce after the partie (as many vse to doe) vntill hee can finde out sureties, but he may lawfully keepe him, vntil that he can get sureties to come vnto him: the ignozance of which point is the cause, both that many an euill man escapeth, and many an honest Officer is punished for it.

But here it hapeneth many times, that the partie (hearing that such a Warrant is granted against him) offereth himselfe with sureties for that cause, vnto some other Justice of peace, or findeth such suretie in some of the Courts at Westminster, & so hath a Superfedias ready to shew such Officer, as cometh to him with a Warrant as is aforesaid. Now, if that be so, then is the Officer discharged thereby, and ought not any farther to molest the party. But yet it shall bee good, that such Officer doe keepe the Superfedias for his better discharge, & shew it to the Justice, from whom hee receiued the commandement of seruice, lest otherwise he be called to account for not seruing the Warrant that was sent vnto him.

If a Warrant be directed to a Constable,

ble, or such other officer to arrest one y is
indited of Felonie, then may such officer
iustifie the killing of such a partie, if it be
so that he bannot otherwise take him, or
if so be that hee resist, or flie, when hee is
taken.

22. lib. Aff.
55.
Coron. 261
28. 8. 328 in
Faz.

Finally, the Constable, or such other
of the said officers, hauing arrested any
to be conueyed to the Gaole, must take
good heede, that he doe not willingly or
negligently, suffer such partie to escape
from him. For if the arrest were for Fe-
lonie, then by a willing escape, the officer
himselſe becommeth a Felon also. And
of whatsoeuer other kind the offence be,
if the Officer doe, by his will, or negligēce
suffer the partie to escape from him, hee
shall bee fined for it, according to the
quantitie of his fault, by the discretion
of those that shall be Judges of it. And
least any such Officer should flatter him-
selſe, in thinking that hee may passe
thorough with some easie Fine: I let him
know, that the Judges of his fault may
set his Fine equall with the value of all
his goods, if in their discretions his fault
doe so require.

11 H. 4. 24.
Stamf. 35.

The equall
duety of
these offi-
cers, in

¶ 16 Thus haue I performed the first
part of my promise, and haue shewed
what is the equal and like duetie of eue-
rie of the said Officers in matters con-
cerning

cerning the Peace, both by their own authoritie, & also in doing the commandments of the Iustices of peace: Now therefore I must goe forward to the second part of my purpose, and am to declare their like dutie in other points of service that doe not concerne the Peace: for equall power is indifferently giuen to anie of those Officers by some statutes of the Realme, whereof those that follow be the chiefe and principall.

matters
before the
Peace.

33. H. 8. c.
10.
& 37. H. 8.
cap. 7.

17 All Constables, and other the said Officers, ought to be attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and enery the Actes (made in, or before the parliament holden in the thre & thirtieth yeare of the raigne of king Henry the eight) concerning Re-
teinozs, giuing of Liueries, Maintenance
Embracy, Bowstaues, Archerie, vn-
lawfull games, Fozeballers, Regratozs,
Witnall, Witnallers, & Inholders, or any
of them, vpon paine that the said Consta-
bles, & other the said Officers shall make
such fines as by two of the said Iustices
of Peace shall be assessed.

Attendant
for the exe-
cution of
Statutes.

14. H. 8. c. 4.
5.
32. H. 8. c. 2
1. Ma. pa. 1.
cap. 9.

18 All Constables and other the said Officers within London, or within seven miles thereof, ought (vpon request made to aid and assist the President of the Col-
ledge of the Whistons of London, and o-

Whistons

ther persons authorisid for the due execution of the Statutes made concerning Physicians, Apothecaries, and Surgeons.

Puruey
o25.

19 If any person shall (without lawfull bargain) Puruey o2 take any thing of any of the kings leige people, to the vse of any (other than the king and his honse) and thereof notice be giuen to the Constable, o2 such other Officer of the place, then such Officer ought (vnder the paine of xx pounds) to arrestt such taker, and to carry him to the next prison. 23. H. 8. c. 14.

No Puruey our of the King ought to take any Horse o2 Cart, but by the delivery of the Mayor, Bailife, Constable, o2 such other officer of the place, whence that taking shall be. 28. H. 6. stat. 2. c. 2.

Corne ought to be taken for the Kings house, by striked measure of eight Bushels to the quarter, according as is vsed throughout the land: and the takers of all things to bee taken for the kings house, shall make their purueyance by the very value thereof by the view of the Constable o2 other such Officers, and by appaisement vnder oath of foure other good men of the towne, where the taking shall be: such taking shal be made without drining the praisors by compulsion, menacing, o2 other villany, to set any other 25. E. 3. c. 1.
36. Ed. 3.
stat. 2. c. 3.

ther price than their oath will, and as commonly runneth in the next markets.

2. & 3. P. &
M. c. 9.

Takers, Under-takers, their deputies, or servants, shall not take any Beeses, Weathers, Lambes, Calues, or any kind of Saltfish, or any kind of graine, or any Butter in any vessels, or Cheese, Bacon Conies, Pigs, Geese, Capons, or Hens, but by Commission, and a Blanke thereto for that Shire annexed: in which Blanke the said seuerall things so to be taken, and the prizes of them shall be written, and to which Blanke the high Constable, petty Constable, or Headborough of the place where any such taking shall be, ought to subscribe his name or signe manuel. And such Taker ought then also to make a Breife or Docket in writing subscribed with his name, containing euerie of the said things taken so in enery place: and ought then also (vnder the paine of an hundred markes) to deliuer the same to the said high Constable, petty Constable, or Headborough, who also ought to deliuer it ouer to the Iustices of Peace, at their next generall Sessions within that countie.

10. E. 3. c. 1,

20 In the takings for the kings house, Tailles (or Indentures) ought to be made and sealed, betwene the taker and the owner in the presence of the Constable

26 The duties of Constables.

ble, or such other officer, and the praisers of the place) by which Tailles (or Indentures) satisfaction ought to be made to the owner for his things so taken.

31 If any taker will make puruey, 20.H.6.c.8
ance of any thing (not exceeding the value of forty shillings) and make not readie payment in hand therfore, it is lawfull for the owner to retaine the thing so taken, and to resist such purueyance: and the Constable, Tythingman, or chiefe pledge of the place (being thereto required by the owner) ought to ayd and assist such owner in making such resistance, vnder paine to yeelde vnto him the value of the thing taken, and his double dammages.

Souldiers. 22 All Constables, and other the officers abovesaid, of the Parish or Place where any of the kings Souldiers beyound the Seas being mustred for Record, shall happen to arriue, may arrest and stay such souldiers, til it be inquired, whether they bee lawfully departed from their Captaines, or no. 18.H.6.c.2

Cozeners. 23 All Constables, and other the said Officers, must be attendnt vpon Cozeners, for the abiuring & conueying of such persons as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any felony by them done. 21.H.6.c.2
22.H.8.c.14
22.H.8.c.37

3, Jac. c. 19.

24 By warrant of such iustice of peace as comitted an offendor to the common Gaole, the Constable of the Hundred, or the Constable or Tythingman of the Tything or Township where such offendor dwells, from whence he was committed, or where he hath any goods, may sell such goods of the said Offendor as by the discretion of the Justice, will pay the charges of his conueying to the said Gaole, the Appraisalment to be made by foure of the honest inhabitants of the Parish or Tything, where such goods shall be, and the ouerplus of the money made thereof to bee deliuered to the partie to whom the goods shall belong: And if such Offendor haue no goods, an indifferēt tare therfore shall be made by 2 Constables & Churchwardens, & two or three other the honest inhabitants of the Parish, Township or Tything, where such offendor shall be taken & in default of them by foure of the principall inhabitants of the said parish, Township or Tything: which taration being allowed vnder the hand of a Just. of Peace, if any so taxed refuse to pay the same taratiō by warrant of such J. of P. the Constable, Tythingman, or other officer there, may distreine and sel (by such appraisement as aforesaid) the goods of such refuser, and the ouerplus of money
come

Charges
of conuey-
ing offen-
dors to the
Gaole.

28 The duties of Constables,

come by the sale thereof to be deliuered to the owner.

25 The Iustices of Peace of euerie 7.Iac.cap.4
 Rogues & County twice in a yere, & oftner if occa-
 Beggars. sion be, are to assemble and meet together
 for the better execution of the Statute
 made 7.Iac.Reg.cap.4. against Rogues
 and Vagabonds: and foure or fve dayes
 before such assembly the same Iustices,
 or the more part of them may command
 the Constables & Tythingmen of euerie
 Hundred, Towne, Parish, Village, and
 Hamlet, with the assistance of sufficient
 men, to make a general priuy search with
 in their severall limits, for Rogues, Va-
 gabonds, wandring and idle persons: and
 such as they haue found and apprehended
 in the said search, they are to bring before
 the said Iustices at their said Assemblie,
 there to be examined of their idle life, pu-
 nished, or otherwise by Warrant of such
 Iustices sent to the house of Correction
 within the said Countie, there to bee deli-
 uered to the Master of such house or his
 deputy, to be set to labour and worke. At
 which dayes of Assembly, the said Con-
 stables and Tythingmen, must appeare
 in their severall diuisions before the sayd
 Iustices, & giue account (in writing, and
 vnder the hand of the Minister of the pa-
 rish) what Rogues, Vagabonds, & wan-
 dring

cap. 4
 dying persons they haue apprehended both
 in the same search & betweene euerie such
 assembly, & how many haue bin by them
 punished, or sent to the houses of correction:
 which if the said Constables or Tythingmen
 neglect to perform, or to couey safely all such
 rogues & idle persons at the charge of the
 Hundred, as by the Just. of P. warrants are
 sent vnto the houses of Correction, they doe
 thereby forfeit such fines as the said
 Iustices shall thinke fit, not exceeding xl.s. for
 euerie offence.

All these things heretofore rehearsed, wherher they
 concerne the preservation of the P. or any other
 matter besides the peace, may and ought to be
 done & executed indifferently (as I thinke) by any
 of the said officers within the precinct of his
 authority: that is to say, as well by the high
 Constable of the whole hundred or franchise,
 within his hundred or franchise as by the
 Constable, petty Constable Tythingman,
 Borsholder, Borohead, Headborow, Thirdborow,
 or chiefe Pledge within his towne, parish,
 tithing, borow, or hamlet: & that so, as none
 of the hath more power of Office therin than
 the other, although some of them haue larger
 limit of place than the rest.

But now I am come to such things as do
 severally belong to some of the Officers,
 so

High con-
 stable of a
 Hundred.

so as the other may not meddle therewith
 (which is the third part of my promise)
 & therefore I will take that in hand also :
 & because the Costable of the Hundred
 or Franchise is the greatest of these Of-
 ficers ; both in respect of his larger Pre-
 cinct of place, & also of the higher trust
 that is committed to him; I wil begin at
 him : who as he is not by & by set alone;
 but is for some matters no further autho-
 rised thā some other of the said Officers;
 so I will begin at those & then come to
 the rest that belong only to himselfe.

Prisoners 26 The money appointed to be leuied 14. Fl. c. 3.
 by the Churchwardens of euery parish
 each Sunday, for the releefe of prisoners
 in the Gaole ought (vnder the paine of
 v.li.) to bee paid by them once euery
 quarter of a yeare, to the high costable, or
 head officers of euery hundred, riding, wa-
 pentake, toln, or parish : & the said high
 costables, or head officers ought (vnder y
 paine of v.li.) to pay ouer the said money
 so to them payd, at the next quarter Se-
 ssions of the D. to the person appointed by
 the Iustices at D. to receiue the same.

It seemeth to me, that in this case next
 aboue, the words, high Constables, high
 Tything né, & head Officers, do exclude
 pety Costables, Borsholders, & such like
 to meddle therin : because none are cald

High

High or Head, but in comparison of low High Constables alone.
and base. Now therefore I will speake of matters concerning the high Constable of the Hundred alone.

1. El. ca. 4.

27 High Constables of Hundreds in all such shires where petty sessions for servants and laborers, (otherwise called statute sessions) were used to be kept before the first day of the Parliament holden in the 5. yeare of þe raigne of our late gracious Q. El. may yet still hold their saide sessions, so that nothing be done in them, repugnant to the statute of labourers & servants, made in the same Parliament. Petty sessions.

13. E. 1. St. Winton.

28 The Constables of Hundreds, & of franchises, ought to make presentment to the Just. of Peace & to all other Justices thereto assigned, of the defaults of watches, & of the defaults of the Kings highwayes, not enlarged so, as no ditches under wood or bushes, be within 200 fote on euery side of the same: and also of such as lodge strangers in vplandish townes, for whom they will not answer. watches & highwayes

4. Ed. 4. c. 2.

29 Clothmakers ought to pay the wages of their Carders, and other worke-folkes in lawfull money, and not in pins, girdles, or such other things: and to deliuer their wools, by saithfull delinerie and due weight, vnto them to bee wrought: vpon pain of forfeiting the treble of their wages Clothpers

wages not so paid, and six pence for every deliery of such excessive weight. And the said workfolkes ought to do their occupations duly, vpon paine of double damages to the partie greiued. And every Constable of the Hundred may heare and determine y^e complaints aforesaid, by examination of the parties, and may commit to the Gaole such as refuse to pay the said workfolks.

**High
wayes.**

30 Estreats indented ought to be made by the Clerks of the peace, and by Stewards of Leets, of all forfeitures rising in the Sessions of the peace, or in Leets, vpon the statutes of Highwayes, of which Estreats one part ought to be deliuered yearly within six weeks after Michaelmas, to y^e Bailife or high Constable of the Hundred, Lath, or wapentake where in the default was committed, & y^e other part to the Constable & Churchwardens of y^e parish in which y^e default was made, to y^e intent y^e such Bailife, or cheife Constable may thereby leuy by distress the same forfeitures, or the double thereof, (if no distress can bee found, or if such forfeitures be not paid within xx. dayes after a lawfull demand of the same by the said officer:.) and to the intent also that the said Constable and Churchwardens of the parish may therby call the said Bailif

2. & 3. P. &
M ca 8. & 9.
El. ca. 13.

1. High Constable to account befoze two Iustices of the peace (the one being of the Quorū) between the first day of March, & the last of April yearely for the said forfeitures which ought by the said Churchwardens to bee bestowed on the Highwaies in their Parish. And vpon such account, euerie such Bailife, or High Constable shall haue for his pains 8. d. of euerie pound lenied & paid by him, and may also retaine xij. d. for the fee of the Clerke of the Peace or Steward of the Lēte, for euerie such Cstreat by any of them delivered, as aforesaid.

43 El.ca. 3.

31 The High Constable (in whose li- mit the parish is situate) must pay at euery quarter sessions to one of the Treasurers of the shire, such mony as the churchwardens there haue paid to him, for the prisoners in the Marthalsey and Kings bench, vpon paine of xl. s. to be lost for euerie default, 43. El. c. 3. 1. Iac. cap. 25.

Marthalsey & Kings bench.

32 And the like must be done (vnder the pain of xl. s.) with that money which the Churchwardens bring to him for disabled soldiers.

Souldiers

3. Iac. ca. 4.

33 The chiefe constable of the hundred (where there be no churchwardens or constables of any towne, Parish, or Chappell in such Hundred) ought once a yeare to present at the Quarter Sessions, the

C

moneth

Popish recusants.

monethly absence from Church of popish Recusants within such Towns and Parishes, & the names of their children of sixteen old & upwards abiding with their said parents, & the age of such children as near as they can, as also the names of the servants of such Recusants; vnder paine of losse of xx.s. for every such default. And if vpon such presentment the partie happen to be indicted and conuicted (not being for the same absence befoze presented) the said constable is to haue a reward of xl.s. out of such Recusants goods.

**Constable
of a towne.**

Next after the constable of the hūdred, Wapentake, or Franchise, followeth the cōstable of a town, who is somewhere called a high cōstable, for that he hath there a petty cōstable vnder him & is sometimes also termed a head officer, because in sōe corporate towns, constable is part of the name of their incorporatiō: and now also because there be sundry things that are by the lawes indifferētly inferred to him, or to the Tithingmā, Borsholder, or such other inferior officer of the place: therefore I wil first set down those, and then afterward speak of the rest that are cōmitted to him only, and to none of them.

Tithingmā.

34 If a common Inholder, or Alehouse keeper, will not lodge such as trauell, the Kuler, Constable, or other Officer of the Towne

5. Ed. 4. 3.
Acc' sur
case. B. 76.

to wne may compell him thereto.

1. El. cap. 4.

35. For person retained in his bandie,
or in any the arts appointed by the Sta-
tute of Labozers (made in the first yeare of
our late Soueraigne Ladie Queene Eli-
zabeth) may depart, after the time of such
retainour expired, out of the Towne of
Parish, where he last served, to serue in
another, vntlesse he haue a Testimoniall
vnder the seale of the Constable or other
such Officer, & of two other honest house-
holders of the Towne or Parish where
hee last served, according to this forme
Memorandum, That A. B. late servant of
C. D. of E. in the Countie of K. Husband
man, or Tailor, &c. is licenced to depart
from his said Master, and is at his libertie
to serue elsewhere, according to the Sta-
tute in that case made and prouided. In
witness wherof &c. Dated the day, mo-
neth, yere, and place of the making ther-
of. Which Testimoniall, the Parson,
Vicar, or Curat of the parish where such
Master, Distresse, or Dame doth dwell;
ought to register, taking onely ij. s. there-
for. And if such person bee accepted into
any other seruice, without shewing such
Testimoniall to the Constable, or such o-
ther Officer, Curate, or Churchwarden
of the place where he shall be accepted, he
shall bee imprisoned till hee procure such

Servants.

36 The duties of Constables,

a Testimonial, which if he do not within twelve dayes next after the first day of his imprisonment, he shall be whipped as a vagabond.

Laboꝛers.

36 In the time of Hay, or Cornehar-
nest, the Constable, or such other Officer
of any township upon request made, and
for avoiding the losse of any corne, graine,
or hay, may cause all such Artificers and
persons (as be meet to labour) by his dis-
cretion to serue by the day, for the mow-
ing, reaping, shearing, getting, or mowing
of Corne, grain, or hay, according to the
skill and qualitie of the person, and if any
such person shall refuse so to doe, then
ought such Officer (vnder the pain of for-
tie shillings) to imprison such refuser in
the stocks by the space of two dayes and
one night.

5. El. cap. 4.

Hig-
hwayes.

37 The Constable, Bozholder, or o-
ther such officer, and the churchwardens
of every Parish, ought yearly upon the
Tuesday or Wednesday in Easter week,
to call together a number of the Parish-
oners, and to choose two honest men of
their parish, to be surueyours of the works
for amendment of the highwaies within
their parish leading to any market town:
and ought then also to oppoint five dayes
for the amendment of these High wayes
before Midsummer then next following:
and

and ought openly in the Church the next Sunday after Easter, to give knowledge of the same five dayes.

2. & 3. P. &
Ma. c. 8. &
5. El. c. 13.

They also ought to haue one part of the Estreates indented, and may call the Baylife, or high Constable to account, concerning the forfeitures, for default of amending high wayes, as hath already appeared before. And they also, or any of them, may leue by distresse, and by sale of such Distresse, all summes of money forfeited for any cause within the Statute of High wayes made in the eighteenth yere of the late Queen Elizabeth, (if so be that the Surueyors of High wayes, shall not before haue leued and imploied the same within one yere next after the offence committed) and shal yeeld account thereof before two Iustices of the peace, as is afore shewed.

12. El. c. 10.

35. El. c. 19.

38 The forfeits against the Statute High wayes, for the amendment of the annoied High wayes, in the Wealds of Kent, Surey, & Sussex, ought after couition thereof to be leued by distresse by y Constables, headborows, Tythingmen, or other such Officers there, upon warrāt from the Clerk of the Peace in open sessions or from two of the Just. that were at such session, the one of them being of the Quorum.

27. El. c. 13.

39 After such time as the two Iustices of

of peace have ratably assessed every town and Parish towards the payment of the damages that any person hath recovered against him, of the Hundred, wherein he was robbed, upon the statute of Hue and Cry: then may the Constable, or Headborough of every such towne and parish, ratably within his limits, take (according to their abilities) every dweller in every such town or parish, toward the payment of such assessment made by the Justices, and may also distrain every person by his goods & chattels, that shall refuse to pay the same, & may sell the distresse, and retain so much thereof as the taxation shall be, and deliver the overplus to the person so distrained. And shall (within 10 daies next after he hath leuied the said rates) deliver the same to the said Justices, or one of them, to the use of the party robbed.

Popish recusant.

40 The Minister (or Curate of the parish, and the Constable, Headborough, or Tythingman of the Town, to which any Popish Recusant shall be sent by order of this statute, shall take notice thereof by him, & shall enter the same into a booke, to be kept in every parish for that purpose, & shall certify the same to the next quarter Sessions of the peace in that County.

35. E. 1. cap. 2

Hedge-breakers.

41 The Constable or other inferior Officer, must whip such hedgebreakers, rob,

43. E. 1. cap. 7.

robbers of Orchards and Gardens, cutters of cozne and wood &c. as bee for that purpose committed vnto them by the Justice of P. vpon paine to be committed to the common gaole without bail or mainprise till it be done.

1. Iac. c. 13

42 Every Constable and other Officer **Plagne.**
 & doth wilfully make default in leuying such money as they are comanded by the Warrants of Maiors, Bailifes, Head-officers, or Iustices of P. (hauing taxed the same for reliefe of the pooze infected with the Plagne) doth forfeit, for euerie such offence, tenne shillings to the vse of such persons infected. And euerie Constable, Headborough, or other officer (if the infection be out of the Cittie, Borough, Towne corporate, Priuiledged place, or market town) may command or appoint persons infected, or being or dwelling in any house infected, to keep their houses for auoiding of further infection : and if notwithstanding such persons do wilfully & contemptuously disobey such directiō and appointmēt, offering & attempting to break or goe abroad, & to resist, or going abroad & resisting such keepers or watchmen as are appointed to see them kept in : it is lawfull for such watchmen with violence to inforce them to keep their houses : and if any hurt come by such inforcement to such

Disobediēt persons, & said keepers, watchmen, and other their Assistants shall not be impeached therefoze. And euerie infected person, so commaunded (by the sayd Constable, Headborough, or other Officer) to keepe house, which contrary to such commaudemēt wilfully and contemptuously goeth abroad & conuerseth in cōpany, hauing any infectious soze vpon him vncured, becommeth a felon: But if such person haue not any such soze found about him, then for his said offence he is to be punished as a vagabond ought to be by the statute 39. El. c. 4. And further to be bound to his good behaviour for a yeare.

Drunkennesse.

43 And because, by the Stat. 4. Ia. c. 5. 4. Ia. cap 5 (made against drunkennesse) All Constables, Churchwardens, Headboroughes, Tithingmen, Alecunners, and Sidemen, shall in their othes incident to their Offices, bee charged to present the Offences contrarie to the same statute, therefore it shall not bee amisse to set before them the effect of the said Statute, as followeth. Euerie person that shalbe drunk, & therof lawfully convicted, shall for the same offence forfeit 5. s. to be paid within a week after such conviction to the Churchwardens of the Parish where the offence was committed to the vse of the poore of the same parish: And on neglect or refusal to

to pay the said forfeiture, the same shalbe
 lenied of the goods of the offendo: by war-
 rant from the Court, Judge, or Iustices,
 before whom the same conviction was :
 And if the offendo: be not able to pay the
 said 5 shillings, he shalbe set in the stocks
 for fire houres. And euerie Constable or
 other inferiour Officer, to whom that
 shall bee given in charge by pcept of a-
 ny Maior, Bailife, head Officer, or Iusti-
 ces of the Id. within their seuerall limits,
 that doth neglect the due correction of the
 said Offendo:, or the due leuying of the
 said penalties where distresse may be had,
 shal forfeit ten shillings to the poore of the
 parish or place where the offence was co-
 mitted: to bee lenied by distresse (by any
 person hauing warrant from the Maior,
 Bailife, or other head Officer, Iustices of
 Peace, or Court where such conviction
 shal be) and to be paid to the Churchwar-
 dens as befoze limited. And euerie per-
 son which doth continue drinking in any
 Anne, victualling house or alehouse, in the
 same Citie, Towne, Village, or Hamlet,
 wherein he dwelleth (other than such as
 are inuited by trauellers, laboring & han-
 dicrafts men in cities, townes corporate;
 and market towns, vpon vsuall working
 daies, for one houre at dinner to take their
 dyet, laborers and workemen, which for
 fol-

following of their worke, sojourne, lodge
 or victual in any Inn, Alehouse, or victu-
 aling house) other than for urgent occa-
 sions, allowed by two Justices of Peace,
 & the same be scene by any Maio, or other
 head officer, or Justice of P. within their
 severall limits, or proved by oth of iij. wit-
 nesses before any such maio, &c. that ther-
 fore forl. 3. s. 4. d. to the vse of the poore of
 the parish where the offence was comitted,
 to be levied as aforesaid. And if such Of-
 fendor being lawfully convicted, be not able
 to pay the said forfeiture, then the Maio,
 Bailife, head Officer, Justice of peace, or
 Court, where such conviction was, may
 set such offendor in the Stocks iij. houres.
 And all the said offences are to be pre-
 sented (by such Constables, Churchwardens
 and other inferior officers) before the Ju-
 stices of Assise in their circuit, Justice of
 P. in their Sessions, Maio, s, Bailifs, or
 other head Officers of Citties or towns
 corporat, having power to inquire of tres-
 passes, &c. and in Court Leets. And every
 person being a second time convicted of drun-
 kennes, shall be bound with two sureties
 in recognizance of r. li. to be from thence-
 forth of good behaviour. But no person
 shall be punished for any offence mentio-
 ned in this stat. unless he be for the same
 presented, indicted, or convicted within six
 moneths

moneths after the offence committed.

7. Jac. ca. 11

44 Every Constable & Headborough, by warrant vnder y^e hand of two Just. of P. may search y^e houses of persons suspected (other than such as haue 40.li. yearely of inheritance, 80.li. yerely of freehold, or be worth 400.l. in goods) for setting dogs or nets, for taking of Felants and Partridges, and the same may take, kill, and cut in pieces, as things prohibited, & forfeited to such of the said officers as shal find out and take the same.

Setting
dogs, and
nets.

39. El. ca. 4.

45 Cuerie of these persons following, and being aboue the age of seven yeares, is by the law declared to be a Rogue, vagabond, or Sturdie Begger: that is to say, Cuerie person y^e calleth himselfe a scholar, and goeth about begging: Cuerie Seafaring man, (not hauing suffered ship-wracke, nor hauing lawfull Testimoniall from a Justice of P. of, or neere the place where hee landed) that goeth about begging, or exceedeth the limits of such testimoniall. Cuerie idle person that goeth about begging, or that vseth anie subtil craft, or vnlawfull Game or play, or that sayneth knowledge in Physionomy, Palmestrie, or other like craftie Science, or pretendeth to tell Destinies, Fortunes, or such like Fantasticall imaginations. Every wandring person that
vite,

who bre
Rogues.

44 The duties of Constables,

uttereth himself to be a Doctor, Doctor-
 rer, Patent gatherer or Collector for any
 gaole, prison, or hospitall. Every Fencer,
 Beareward, Minstrel, or cunning player
 of Enterlude, other than such player of
 Enterlude as belongeth to a Baron or o-
 ther honorable person of greater degree, &
 be authorized vnder his hand and seale of
 Armes. (But see the statute made in the
 first yere of the raigne of our Soueraigne
 Lord K. Iames, c. 7.) That from thence-
 forth no authority to be giue or made by
 a Baron of this Realme, or any other ho-
 norable personage of greater degree, vnto
 any other person or persons shall be auai-
 lable to free and discharge the saied per-
 sons or anie of them from the paines and
 punishments in the saied stat. (made anno
 39. Eliz. ca. 4. (mentioned, but that they
 shalbe taken within the offence, & punish-
 ment of the same statute. Every Joggler,
 Tinker, Pedler, Petichapman, or Glass-
 man that wandzeth abroad. Every wan-
 dzing person or common laborer not ha-
 ning otherwise than by labour to main-
 taine himselfe, and being able of body,
 that refuseth to worke for lawfull wa-
 ges. Every person, deliuered out of the
 Gaole, that beggeth for fees, or trauaile-
 leth begging. Every one that pretending
 losse by fire, or otherwise, wandzeth beg-
 ging

1. Iac. cap. 7.

1. Iac. ca. 7.

ging. Euery one (not being a felon) that pretendeth to be an Egyptian, or wandreth in the forme (or habet) of counterfeit Egyptians. Euery impotent, and diseased person (being lawfully licenced by two Iustices of the Peace, to goe to Bath, or Barton) that forbeareth not to begge, or returneth not according to such Licence: and euery poore person (appointed to aske reliefe in his Parish by the Ouerseers) that beggeth in any other sort than is appointed.

1. Iac. c. 31. (By the Statute made an. 1. Iac. 31.

Such as wilfully goe abroad out of houses infected with the plague, (being commanded to keepe house) though they haue no soze about them, are punishable as vagabonds in all respects ought to be by the Statute (29. Eliz. c. 4.) And by the Sta-

7. Iac. cap. 4

tute made (anno 7. Iac. cap. 4.) All persons running out of their parishes and leauing their Families vpon the Parish, shal be taken and deemed to bee Incozrigible Rogues, and indure the paines of Incozrigible Rogues.

The Constable, Headborough, and Tythingman of the Hundred, Parish, or Tything, shal vpon the taking of euerie such Rogue, (the Tythingman, or Headborough being assisted with the aduice of the Minister, and one other of the parish

Parish) appoint the same Rogue to bee stripped naked from the middle upward, and bee openly whipped untill his or her body be bloodie, & shal forthwith send such Rogue from parish to parish (by the Officers of the same) the next straight way to the parish where such Rogue was borne, if that may be knowne by his or her confession or otherwise: and if that cannot be knowne, then to the Parish where hee or shee last dwelt before that punishment by the space of one whole yeare: and neither of them being knowne, then to the parish through which he or she last passed without punishment.

After which whipping, such rogue shal haue a Testimoniall, subscribed and sealed with the hands and seales of the sayd Constable, Headborough, Tythingman, and Minister, or any two of them, the substance of which shalbe registred by the Minister in a book to be provided for that purpose, vnder the pain of five shillings for euery default thereof.

And the forme of that Testimoniall
may be thus:

Kent.

A.B. a sturdy Rogue, of tall stature, red haired and bearded, about the age of 30 yerres, and hauing a wart neere vnder his right

right eye, borne (as he confesseth) at East Tilbury in Essex, was taken begging at Shorne in this countie of Kent the tenth of March, 1624. and was there lawfully whipped therefore, and he is appointed to goe to East Tilburie aforesaid, the direct way by Grauesend, ouer the Riuer of Thamise: for which he is allowed one whole day, and no more at his peril: subscribed and sealed the day and yeare aforesaid.

By vs { *C.D. Minister,*
E.F. Borsholder, } of Shorne a-
G.H. Parishioner } fore said.

And if such Rogue doe not accomplish the order of such Testimoniall, then is he or she to be whipped at euerie place for euerie such default, till he or she repaire to the place so limited for him: And this Testimoniall must bee carried with him from Officer to Officer, as is aforesaid: wherein it is needfull to set downe some speciall marke of the body of the Rogue, to the end that neither one officer deceiue another, nor the Rogue deceiue them all.

But if such Rogue so taken, appeare to be dangerous to the inferior sort of people there, or will not bee reformed from roguish life, by the meanes aforesaid, then any two Iustices of peace of the countie

one

48 The duties of Constables,

one being of the Quorum) may commit such Rogue to the house of Correction or Gaole.

(By the Stat. of Ann 1 Jac. c. 7. Currie 1 Jac. cap. 7 person ought to apprehend or cause to be apprehended such rogues, vagabonds, and sturdie beggars, as hee seeth or knoweth to resort to his house to beg, gather, or receive almes, and them ought to carry, or cause to be carried to the next Constable, or Tythingman, upon paine of ten shillings for everie default.)

Every Constable, Headborough, & Tythingman, that shall be negligent, or shall not doe his best indeuour, to take, punish, & conuey ouer the Rogues aforesaid, shall lose ten shillings for everie default. (By the statute Ann 1 Jac. c. 7. the Constable or Tythingman, is to forfeit xx. s. for every such default.) And everie other person that disturbeth the execution of this act of Rogues, shall lose 5. li. for everie default, and be bound to the good behaviour. 1 Jac. cap. 7

And every such Constable, Headborough, & Tythingman, is in like sort to take and punish, and to conuey from one to another, every Rogue and begger that shall be brought and set on land here, from Ireland Scotland, or the Isle of Man, till he come to the next port or parish in or neere where he was first landed, upon forfeiture of

of ten shillings for euery default.

Now for as much as the executiō of this law, as also of that for the poore, is vpon good reaso required at the hands of these constables, Borsholders, and such like inferior Officers, because as they of the common sort be most annoyed therby, so are they in euery corner to haue a ready hand and whippe to remedy the euill: I think good for their better directiō herein, to set down those resolutions & aduises, which (as it is cōmonly said) were giuen by the Queenes Iustices at *Westminster*, soon after the making of the said statutes: And thus they follow.

A Rogue affirmeth, that he was bozne in such a towne in such a county: the ought he to be sent thither, if it may not otherwise appeare that he was bozne else where: and if he were not bozne there in truth, then is he to be said an incorrigible Rogue, & is to be sent thence to the house of correction in the county to which he is sent, and if there be none there, then to the Gaole vntill the next sessions, there to be dealt with according to the Statute.

2 The same course is to be obserued, if it appeare not where he was bozne, and so if hee vntuly affirme that he was last dwelling in such a towne, in such a coun-

tie, by the space of a yeare, and was not in truth.

3 If the husband, or wife haue a house, and y^e husband or wife rogue about, they ought to be sent to the towne where that house is, and so of an Innmate.

4 The wife and childzen vnder seven yerres of age, being vagrant, must go and be placed with the husband: if y^e husband be dead, then with the wife where shee was bozne or dwelt: and the Vagrant childzen (aboue seven yerres of age) must be sent to the place of their birth. And if the vagrant Parents with their childzen (vnder seven yeares) bee placed at the place of birth of the Parents, or at the place of last dwelling (as the case shal fall out) if after ward the parents, or either of them die, or runne away, yet the childzen (once settled) must remaine there still, and may not be sent to their place of birth, though after they grow aboue the age of seven yerres.

5 The Wife beeing a Vagrant Rogue, ought to be sent to the Husband, though hee bee but a seruant in another towne.

6 The Rogue whose place of birth (or dwelling) cannot be known, hauing wife and childzen vnder seven yeares of age, they must go with the husband to y^e place where

where they were last wilfully suffered to passe without punishment, where the childzen must be relieved by the worke of their Parents, though the Parents bee committed to the house of correction.

7 If any (not being Rogues) shall trauell with their childzen thozugh a town, and the father or mother die, or run away, The Towne is not bound to keepe them where they die, nor to send them away, but only in charity, except they become wandring beggars.

8 If the Parents be able to worke and may haue worke, they are to finde their childzen by their labour, and not the Parish: but if they be overburthened with childzen, it shal be a very good way to procure some of them to be placed apprentices, according to the Statute.

No man is to be put out of the Town where he dwelleth, nor to be sent to his place of birth (or last habitation) but a vagrant Rogue, nor to be found by the town, except the partie be impotent, but ought to set themselves to labour, if they be able and can get work, if they cannot, the overseers must set them to labor: And so of them that haue or shall haue houses, when their estates bee expired: And seruants, whose times of seruice are ended, though they cannot get houses, so they

must prouide themselves houses a new, if they be not impotent.

10 Such persons as be of any parish, and haue able bodies to worke, and be no wandzers abroad out of the Parish, although they refuse to worke for such wages as is taxed (or commonly given in those parts are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yere, but to the house of correction; vpon consideration had of both the statutes of the poore & rogues. Wnt if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to work, yet are they not to be sent to the house of correction.

11 Such as will remoue or put any out of their parish, that be not to be put out, this is against the statute concerning the reliefe of the poore, & finable: & if any haue bin so sent, they may be sent back againe.

12 If any be sent to a towne wherto he ought to be sent, and is refused (being a sturdie or an impotent Rogue) the persons refusing shall forfeit v. pounds, and he that is so to be sent, is to bee offered to the Churchwardens, and Quersers.

13 To send the Rogues by a generall Passport, without conueying them from parish to parish, is a let to the conueying of rogues according to the statute, and so

A forfeite of v.li. vpon the. And to go with
such a Pasport, is but still to continue a
Rogue, to be punished with whipping.

14 If the Officer will not receiue a
Rogue to conuey him to the place where
of v.li. bozne (or dwelt) this is a forfeiture
he was in the officer that shal not receiue
the partie to conuey him or her ouer.

15 None may be suffered to take releife
at any mans doze, though within y same
parish, vnlesse it be by the order of the
ouerseers, according to the statute, neither
may any be suffered to bagge by the high-
wayes though in their owne parish.

16 By this word Parents, is vnder-
stood a father, or a grandfather, mother, or
Grandmother, being persons able.

17 Within the word children is inclu-
ded any child or grandchild being able.

18 Parsons, or Vicars, &c. be bound
(as inhabitants) to the relief of the poze,
aswell as others that remaine within the
Parish.

19 Euery one that hath tithes improp-
riate Cole mines, or lands in manuell
occupation, &c. is chargeable: And so for
such as haue saleable woods, propoztion-
ning the same to an annuall benefit.

20 If there be but one Churchwarden
in the Parish, he sufficeth with the other
four Duerseers.

54 The duties of Constables,

See before artic. 25. the duty of Constables and Tithingmen in searching for and punishing Rogues, Vagabonds, and sturdy beggars, according to the statute, 7. Jac. cap. 4.

All these things last aforesaid, doe pertain as well to the charge of a Tychingman, Borsholder, Headborough, Cheitepledge, or such other inferior Officer, as they doe to the Constable of such a town or parish, that haue any of those other officers vnderneath him. But some other Points of charge there be, that belong to such a Constable only, and not to any of them: for example.

Weights & measures.

46 Euery City Borough, & Market Town, that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh.

8. H. 6. ca. 5.
11. H. 7. c. 4.

Merchandize.

47 If any Wools, or other Merchandize be shipped in the Staple in any suspected place adioyning to the Coast of the water, then Indentures ought thereof to bee made betweene the owner and the Mayor, or Constable of the place: or otherwise such merchandize shall be forfeited.

14. H. 6. c. 5.

Unlawfull games.

48 The Mayor, Sherifes, Bailifes, Constables, & other head Officers within euery City, Borough & Towne with-
in

38. H. 8. c. 3.

in this Realme, where any such officers be, ought vnder the paine of xl. s. for euery default, once euery month at the least to make search (as well within Libertes as without) in all places where any vnlawful games shalbe suspected to be kept, and may arrestt and imprison as well the keepers of such places, as the haunters to the same, till they bee found no more to keepe and haunt such places. And if any such head Officers, shall finde or know, that any artificer, craftsman, husbandman, apprentice, laborer, seruant of husbandry, iorneyman, or seruant of Artificer, or that any Mariner, Fisher, watterman, or seruingman, both play at the tables, dice, cards, tenice, bowles, closh, coiting, logating, or any other vnlawfull game, out of Christmas time, or out of their Masters house or presence, in the Christmas time, vnlesse it be by y^e licence of such master as hath C. li. by y^e yeare, or aboue, & then also that plaign be within the precinct of such Masters house, Gardeine, or Orchard: then such head Officer may commit such offenders to Ward, till he will be bound by obligation to the Kings vse (in such summe as by y^e discretion of such Officer shall be thought reasonable) that he shall not from henceforth vse such vnlawfull games.

Bridges.

49 Those foure Iustices of Peace, that be authozised by the statute to make taxation of money for the amendment of any decayed bridge in the highway, ought to make that taxation by the assent of the Constables, or of two of the most honest inhabitants, of euerie Towne, or Parish.

22. H. 8. c. 5

Vessels.

50 In all Cities, Boroughs, & Towns wherein no Wardens of Cowpers be, the Maiors, Sherifes, Bailifes, Constables, or other head Officers there, haue power to search, view, and gaugge, barrells, kilderkins, firkins, and other vessels, to be made there, & to take such aduantage thereby, and in such manner, as by the wardens of Cowpers within the Citie of London may be taken on euerie behalfe.

23. H. 8. c. 4.

Making
of Mault.

51 The Constable of euery Borough, or market town, or other town, may view, search, and suruey all such Mault as shall be made or put to sale there: and if he shall find any Barley Malt, made at any time (the moeths of Iune, Iuly, and August only excepted) but that the same shall haue the space of thre weekes (at the least) in the Fat, Floure, Steeping, and such sufficient drying thereof, and in those thre moethes, the space of seuenteen daies at the least: And if he find any person to put to sale any good Mault mingled with Malt
not

27. El. c. 14.

not sufficiently made, or with malt made of mowburned or spired barley, or to put to sale any malt not sufficiently wel trodden, rubbed, and fanned, whereby half a pecke of dust or more may be fanned out of one quarter thereof: Then may such Constable (with the aduice of one Justice of P. in that shire) cause the same Malt to be sold to such persons, and at such reasonable prizes (vnder the common price of the market (as to his discretion shal seeme expedient.

43. El. c. 2. § 2 In default of agreement of the parishioners betwene themselves, the Constables & Churchwardens of each parish, (or the more part of them) may rate & allot within their parish their assesse for the Stocks of the Shire wherewith that parish was charged at y^e Quarter Sessions, and they also may leuy the same vpon any parishoner by distresse & sale of his goods, rendring the ouerplus vnto him. the shire. Stock of

1. Jac. ca. 9. § 3 Every Annekeeper, victualar, or alehousekeeper, that permitteth any to continue tipling in his house (except such as are inuited by Trauailers, Labouring men in dinner time, or which lodge in such houses for time of their continuing in worke, or such as for vrgent occasions are allowed by two Justices of Peace) shall forfeit ten shillings to the poore of the Tipling.

the parish: and that selleth lesse than a full ale-quart of the best Beere or Ale, and of the smal two quarts for a peny, shall forfeit xx.s. to the vse aforesaid, the same offences being viewed by the Maior, Bailife, or Iustice of the Peace in their seuerall limits, or proued by oath of two witnesses before such Maior &c. which penalties are to be leuied by the Constables or Churchwardens of y^e parishes where the offences are committed by distresse, (and for default of satisfaction within 6. daies, the same distresse to be presently apprysed and sold, & the surplussage to be deliuered to the party of whō the distresse was taken) vnder pain of losse of xl.s. to the foresaid vse, by neglect of their dutie therein, or in certifying the default of distresse by the space of xx. daies by the Maior, Bailife, or other head Officer, or Ju. of the P. within whose iurisdiction the offence was committed. For which penalties to be leuied by the constables & churchwardens, they shalbe accountable t^o thei^ro successors and the Parishioners.

**Victualling
houses.**

54 All Iustices of P. Maiors, Bailifes, head Officers, and constables, as well of cities and Townes corporate, as in euerie County of this Realme, may in Lent time enter into all houses of Victualers, and common victualling houses, where
dressing

1. Iac. c. 29.

dressing of flesh in Lent shall be suspected, and finding any Oren, Bæues, Beuits, Hogs, Calues, Rams, Ewes, or others killed or dressed in Lent time, or on fith daies, may seise the same as forfeited, and distribute it to Prisoners and other poore folkes by their discretion.

1. Iac. c. 31. 55 Where the Infection is in any Ci. Plagne-
ty, Borough, Towne corporat, priuiled-
ged place, or Market towne, the Maior,
Baillife, Constable, or other head officers
there, may commaund persons being or
dwelling in houses infected, to keepe in,
and the persons disobeying such commā
incurre such danger, as befoze is exp^{re}ssed
in the Article 42.

3. Ias. ca. 4. 56 The Churchwardens & Constables Present
of euery Towne Parish, or Chappell, or the names
one of them, shall once euery yere present of Recu-
at the quarter Sessions, the monthly ab-
sence fro Church of all popish Recusants.
in such townes & parishes & the names of
their childezen of 9. yerres old & upwards a-
biding with their parents, & if they can,
their age, & the names of their seruants.
And in default of such presentment, shall
forfeit xx.s. And if the partie vpon such
presentment happen to bee indicted and
conuicted (not being for the same absence
befoze presented) they shal haue a reward
of forty shillings of the Recusants goods.
The

60 The duties of Constables.

The duties of Constables in making an indifferent tare for the charges of conveying an offender to the Gaole, See before Art. 24. 3. Iac. c. 10.

Sea-fish.

57 By the warrant of one, or more Justices of P. it is lawfull for the Constables & Churchwardens of every Market Towne, Parish, or Libertie, within which any offence shall bee done (in erecting of new weares along the sea shore, or in any haven, harbor, or creeke, or within 6. miles of the mouth of the haven, harbor or creeke, in destroying of the spawn of sea-fish in any weare or other engine, or in fishing with any draw-net, or drag-net vnder three inches meash, in any haven, &c. or within five miles, &c.) against the statute 3. Iac. c. 12. may leue the forfeitures, by way of distresse and sale of the offenders goods, rendering to them the surplusage. 3. Iac. c. 12.

Apprentices.

58 The Parson or Vicar of every town or parish not incorporate, together with the Constable or Constables, Churchwarden or Churchwardens, Collectors, and Overseers of the poore, or the most part of them (where money is already given or shall hereafter be given to be continually employed for the binding out as apprentices the poorest sorts of children) shall within the said Townes and Parishes, haue 7. Iac. c. 3.

have the nomination and placing of such
Apprentices, and the guyding & employ-
ment of such moneyes as haue bene here-
tofoze so giuen, oꝛ which herafter shall be
giuen to and foꝛ the continuall binding
foꝛth of such, & so many Apprentices, and
in such soꝛt as is already, oꝛ shall hereafter
be so giuen & appointed, either by the last
will, oꝛ any wꝛiting vnder the hand and
seale of the giuers of such moneyes. And
if any of the m wilfully soꝛbeare oꝛ refuse,
accoꝛding to their duties, to employ such
moneyes, by meanes whereof the sayd
money shall not be employed accoꝛdingly:
then euery of them so offending, shall soꝛ-
sept thꝛee pounds foꝛ euery such offence.
And the Master, Mistresse, oꝛ Dame, of
such Apprentices shall be bound with one
oꝛ two sufficient sureties, in double the
sum they haue receiued with such appꝛe-
ntices to such Parson oꝛ Vicar, Constable
&c. to repay y mony so receiued at 7. yerres
end, oꝛ within thꝛee mōths next after the
end of the said seuen yerres. And if the Ap-
prentice, Master, Mistris, oꝛ Dame, hap-
pē to die within the said space of 7. yerres
thē within one yere next after such death.
And the Parson oꝛ Vicar, Constable, &c.
ought to put foꝛth & employ such moneyes
within thꝛee months at the furthest after
the same shall come to their hands. And if
there

there shall not be found fit persons to bee bound out apprentices in the towne and parishes where such moneyes are or shall be giuen to be imployed as afoze is declared, the poorest children of any of parishes next adioyning may (by the discretion of the said Parson &c.) be bound apprentices, taking such bonds as is aboue mentioned. And choice must be alwayes made of the poorest sorts of children: and that no apprentice be aboue xv. yeares old when he shall be first bound. And the said Parson or Vicar, Constable, &c. are once every yere in Easter week, or within a moneth after Easter day, accountable befoze 4. 3. or 2. Iustices of peace, dwelling in or next to the said Townes and Parishes, for all such money as the haue imployed in binding of apprentices, & of all bonds & obligations taken for paiement therof, and of the money remaining in their hands: and are, at such account, or within x. daies after, to deliuer to their successors, or to such as then be in their rooms or places, all the said bonds & obligations, & such monies as remain in their hands, not then imployed.

59 In all these cases also, last befoze rehearsed, it seemeth that Bozholders, Tythingmen, Headboroughs, and other such (being in towne or parishes vnderneath Constables that be there) cannot meddle

meddle, because such Constables bee (in comparison of them) called Head Officers.

60 Now therefore vpon all the whole discourse before written; it may well appeare, that Borholders, Tythingmen, Headboroughes, Borowheads, Thirdboroughes, and chiefe pledges, whether they be there the only Officers for the Peace, or be vnderneath Constables, moey within their Boroughs, Tithings, or Hamlets, doe many things that the others may do: and that there are many other poynts which those other Officers may doe, and wherewith these Borholders and the rest cannot meddle at all. And therefore, to auoyd idle repetition of matters already spoken, I say shortly, that if an Under-Borholder, Tythingman, Headborough, Boronghead, Thirdborough, or Chiefe pledge, will see what belongeth to him to do, he must looke before vpon all such cases, where his power is declared to be equall (for those poynts) with the power, either of a High Constable of the Hundred, or a constable of a towne or parish, for in all such things hee hath to deale as well as they: but where any thing before is shewed to pertaine only to the High Constable of a Hundred, or only to the Constable, or chiefe or head Officer of a towne

to one or parish, there such a Bozholder, Tythingman, or any of the rest, hath nothing to doe with it.

And thus having opened so shortly and plainly as I could, the duties of all these said Ministers of the peace, I doe shut up this worke: desiring those that shall take any profit of this labour, to yeeld thanks to God, the most liberall giuer.

FOr the more ease of euery of these officers, in finding out that which particularly belongeth vnto each of them, I haue deuised the former Treatise into three score seuerall articles (or parts) as it may appeare at the beginning of each Article by the seuerall Figure therof by which euery officer may be directed seuerally to so much as only appertaineth to himself, if hee will marke this short Table following. For,

The High Constable of the Hundred, Rape, Franchise, or Wapentake, hath the execution of all those matters that doth lie within these Articles, that is to say.

Articles concerning

- | | | | |
|----|---|----|-------------------|
| 3 | His name and be- | 34 | Conueying offen- |
| 4 | ginning. | | dors to prison. |
| 11 | | 25 | Rogues and Beg- |
| 12 | | 44 | gers. |
| 13 | The peace and ser- uing of Warrants. | 26 | Prisoners. |
| 14 | | 27 | Pettie Sessions. |
| 15 | | 28 | Watches and High- |
| 16 | | | wayes. |
| 17 | Execution of Sta- | 29 | Clothiers. |
| | tutes. | 30 | Highwayers. |
| 18 | Physicians. | 31 | Money for Priso- |
| 19 | | | ners. |
| 20 | Purueyors. | 32 | Money for Souldi- |
| 21 | | | ours. |
| 22 | Souldiers. | 33 | Popish Recusants. |
| 23 | Coroners. | 43 | Drunkennesse. |

And the Constable of a Towne and Pa-
rish, hath his part in all things contained
within any of these Articles following,
that is to say,

Articles concerning

- | | | | |
|----|---------------------------------------|----|-------------------|
| 4 | His name, and begin- | 22 | Souldiers, |
| | ning. | 23 | Coroners. |
| 11 | | 24 | Conueying offen- |
| 12 | | | dors to prison. |
| 13 | The peace & ser- uing of Precepts. | 25 | Rogues and Beg- |
| 14 | | | gers. |
| 15 | | 34 | Alehouses. |
| 16 | | 35 | Seruantes and La- |
| 17 | Execution of Sta- | 36 | bouters. |
| | tutes. | 37 | Highwaies. |
| 18 | Physicians. | 38 | Highwaies in the |
| 19 | | | Wealds: |
| 20 | Purueyors. | 39 | Hue and crie. |
| 21 | | | |

66 The duties of Constables,

- | | |
|------------------------|-------------------------|
| 40 } Popish Recu- | 48 Vnlawfull games. |
| 50 } fants. | 49 Bridges. |
| 41 Hedgebreakers. | 50 Vessels. |
| 42 } Plague. | 51 Making of Malt. |
| 55 } | 52 Stocke of the Shire. |
| 43 Drunkenneffe. | 53 Tipling. |
| 44 Setting dogs & nets | 54 Victualling houses, |
| 46 Weights & measure | 57 Sea-fish. |
| 47 Merchandize. | 58 Apprentices. |

And euery Bozholder, Tythingman, Bozoehead, Headbozow, Thirdbozow, and chiefe pledge, may for his Bozow, or Tything, learne his office by these Articles, that is to say.

Articles concerning

- | | |
|------------------------|-----------------------|
| 5 His name. | 23 Coroners. |
| 6 } His first office. | 24 Conueying offen- |
| 7 } | dors to prifon. |
| 8 } His latter office. | 25 } Rogues and Beg- |
| 9 } | 45 } gers. |
| 10 } | 30 Highwaies. |
| 11 } | 34 Alehouse. |
| 12 } Keeping of the | 35 } Seruants and La- |
| 13 } Peace. | 36 } bourers. |
| 14 } | 37 Highwaies. |
| 15 } Precepts to be | 38 Highwaies in the |
| 16 } ferued. | Wealds. |
| 17 Execution of Sta- | 39 Hue and crie. |
| rules. | 40 Popish Recufant. |
| 18 Phyfitians. | 41 Hedgebreakers. |
| 19 } | 42 Plague. |
| 20 } Purueyors. | 43 Drunkenneffe. |
| 21 } | 44 Setting dogs and |
| 22 Souldiers. | nets. |

The duetie of Church- Ministers.



He latter lawes hauing imploy-
ment of many to make, hath boz-
rowed some vse, in a few easie
matters of spiritual Ministers, chiefly for
the help and readinesse of their pen, which
in many Parishes few, or none (besides
they) can serue withall.

1 The Minister (or Curat) of the pa-
rish, ought to register the Testimoniall
that is made to a seruāt to appeare at the
end of his Tearme, and he is to take ij.d.
therefore, and not aboue.

2 He also is to assist the Boztholder,
or Wythingman, in appointing a Rogue
to be whipped, and must register (in a
booke for that purpose) the Testimoniall
y^e such rogue ought to haue after whip-
ping, vpon paine to lose fīue shillings for
euery default.

5.El. cap.5. 3 Hee may glue Licence to a sick per-
son (during the sicknesse only) to eat
flesh vpon dayes prohibited, and must
(for foure pence) register the same in the
Church Booke, if the sicknesse continue
aboue eight dayes after the Licence. But
see the statute 1.Iacobi cap.29. That no
Licence graunted to any sicke person by
force of the Statute 5. Eliz. cap. 5. shall
eat flesh.

2.Iac.ca.29

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be any sufficient Warrant to such person to eate any Beefe, Meale Pozke, Put-
ton, or Bacon in Lent, or vpon any day
now obserued as a fish-day, but that the
said sick person for dressing or eating such
Beefe, &c. shall incurre the danger and pe-
naltie compzised in the said Statute of 5.
Eliz. cap. 5.

Come to
Church.

4 The Minister or Curat of the Pa-
rish, may require any person within iij
moneths after his conuiction vpon the
Statute 35. Eliz. cap. 1. to make publike
confession and submission in the Service
time of a Sonday or festiuali day. And he
that shal (after notice to him giuen by the
Minister or Curat, or Churchwardens)
maintaine, or retaine in his house, or o-
therwise, any person obstinately refusing
to come to church, shal lose ten pounds for
euery such person, for euery moneth so
maintained or retained. 35. El. ca. 1.

Popish
Recusant.

5 The Minister or Curat of the Pa-
rish, and the Constable, Headborough, or
Tythingman of the towne, to which any
Popish Recusante is sent, shall (vpon
notice thereof by himselte) enter the same
into a Book to be kept in euery parish for
that purpose: and shall certifie the same
to the next quarter Session of the Peace
in that County. 35. El. ca. 2.

Fift day of
November

6 Euery Minister after morning prayer
or 3. Iac. ca. 7.

for preaching is alwayes vpon the 6. day of Nouember to read publikly, dissinly, and plainly the statute made in the third yeare of the raigne of our most gracions Soueraigne King Iames, for publike thankesgiuing to Almighty God euerie yeare on the same day, for his deliuerance of the King and State from the Powder Treason.

See before in Constables &c. Art. 25. his hand to be set to the account of Constables and Tithingmē, of Rogues taken and punished by them.

See in constables &c. Art. 58. the duty of the Parson or Vicar, in binding out of Apprentices, and in imploying of money giuen to that vse.

The duties of Churchwardens.



Whilst I passed thorow some of the Statutes befoze concerning the Offices of Constable & Wortholder, I found them mingled with diuerse duties pertaining to the Churchwardens of parishes, the Surueyors of the Highwayes, the distributors of the prouision for the destruction of Vermine, and ouersers of the poore, whereby I was also moued to adde somewhat of these offices, the rather because

because I was perswaded, that with that little moze of labour, I might doe a great deale moze of good, seeng that thereby the plaine countreyman should (after a sort) be furnished withall manner of vnderstanding (in the Tempoꝛall law) needfull foꝛ the exercise of any of those Offices that may lightly fall vpon him.

First therefore I will speake of the Churchwardens Office, but that so farre forth only, as the common Lawes, and Statute Lawes of the Reallme doe leade mee, knowing that such other parts of that Office as doe rest vpon the lawes Ecclesiasticall, be from time to time sufficiently both taught and called vpon, by those that haue the execution of the same.

The office
of Church-
wardens by
the commo
law.

The Churchwardens of Parishes bee taken (in fauour of the Church) to be foꝛ some purposes a manner of Coporacion at the Common Law: that is to say, Persons enabled by that name, to take moueable goods, or cattels, & to sue, and be sued at the law, concerning such goods foꝛ the vse & profit of their parish. And therefore a man may well in his lifetime giue oꝛ by his last will bequeath, money oꝛ oꝛther moueable things, to y^e Churchwardens, oꝛ to the Parishoners of a Parish, either foꝛ the reparation of the church, oꝛ to

12.H.7.vlt.

Lib intrac.
fol. 576.

11.H.4.12.
8.H.7.12.

towards the buying of Books, Communion Cups, Linnen Cloathes, or other decent ornaments or furniture for the Church. Which manner of gift is so much fauored in the Law, that it is not altogether needfull in such a gift, for a man to vse expresse words or writing. For if a man doe buy a Bell, and do hang it vp in the Steple, or do make a Pew, and doe set it vp in the Church, and do neither make any word, or writing thereof, yet is this Bell, or Pew, by this dedicated or giuen to the Church.

2 Now although Churchwardens shall haue none action at the common Law, to recouer a Legacie, or such other thing which they neuer had: yet neuerthelesse, if any such goods, or ornaments of the church be once in their possession & custody, then shall they maintaine an Appeale of Robberie against him that stealeth them, or an Action of Trespasse against him y^e shall wrongfully take them away, though it be the Vicar or Parson himselfe: and the dammages that they shall recouer thereby, shall be to the vse & benefit of the Parish, and not to their owne vse. But if those Churchwardens (fro whom the goods were so taken) shall happen to dye before any Action by them brought for the goods, yet shall the next Church-

They shall
haue action

37.H.6.30.
& 34.
11.H.4.12.
8.Ed.4.6.

717 The duties of Churchwardens.

They may
not waite
the Church
goods.

wardens haue action for the same.

They may
be remitted
& brought
to account.

3 And soasmuch as these Church-wardens be Officers, put in trust for the behoofe of their Parish, therfore also are they not inabled with any other power than for the good and profit of the parish. So that Churchwardens can neither giue away, nor release at their owne pleasure, the goods of the Church. For if the parishioners shall find that they doe vnprofitably waste, or mispend the goods of the Parish then may they remoue such Churchwardens, by making their choice of new: which new Officers, may (by Action of account) call to account the former Churchwardens, and shall thereby compell them, both to giue reckoning of their doings during their office, and also to make satisfaction to the vse of the parish, for the harm that it hath receiued by their fault. And although the vsage and custom of the parish be that the Churchwardens there shal continue in their office by the space of one whole yeare, or two yeares or more (as indeed some parishes haue such customs) yet vpon such, or the like misdemenor found in them, may the parishioners at all times proceed to an election of new Churchwardens, and may remoue the old, for that otherwise they haue no meane by our law to call them to their

Fitz. N. B.

91. K.

19. H. 6 66.
al contr.

3. Ed. 4. 6.

26. H. 8. 5.

their Account, but by such as shall be put in their place. Neuerthelesse those former Churchwardens shall (vpon the making of such their Account) haue allowance of all needefull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the provision of meet and lawfull ornaments or other furniture of the Church or Parish: because they are compellable (by y^e Ecclesiasticall lawes) so to lay forth the goods of the Parish committed to their custodie and charge. They shall haue allowāce also (vpon such their Account) of the money paid by them for reliefe of Prisoners in the common Gaole, by vertue of the Statute 14. El. c. 5 and of whatsoeuer other thing that they are by law chargeable to doe.

4 This (in effect) is the power and charge that the common law doth giue to Churchwardens: for as touching any estate in lands, or the profits of any lands, Churchwardens haue not to meddle at all: Insomuch, y^e if the walls, windows, or doores of the Church be broken, or the trees in the Churchyard be cut downe, or the grasse thereof bee eaten vp, then the Parson or Vicar (and not the Churchwardens) shall haue the Action for it: because Churchwardens are not by law allowed

They haue
not to doe
with lands

11. H. 4. 13.

12. H. 7. 77.

13. H. 7. 9.

74 The dutie of Churchwardens.

Church-
wardens
office by
the Statute.

Repaire to
the Church

lowed to be a corporation for any other thing than for moveable goods only. Now therefore I will shew how their Office is increased by a few statute lawes, that do concerne the same.

5 All persons inhabiting within the Kings Maiesties Dominions, shall diligently and faithfully (having no lawfull or resonable excuse to be absent) indevour themselves to resort to their parish Church, or Chappell accustomed, or (upon reasonable let thereof) to some usuall place where common prayer and such service of God (as is contained in the booke of comon praier) shall be used in such time of let, upon every Sunday & other dayes ordained & used to be kept as holy dayes, and then & there to abide orderly & soberly during the time of the common praier, preachings, or other service of God, there to be used and minstred, upon pain of punishment by the censures of the Church, and also upon paine that enerie person so offending, shall forfeit for every such offence, xij. d. to bee leuyed by the Churchwardens of the parish where such offence shall be done, to the use of the poore of the same parish, of the goods, lands & tenements of such offender by way of distresse.

1. El cap. 2.

High-
waies.

6 The Constables and Churchwardens of enerie Parish shall yearely upon the

the Tuesday or Wednesday in Easter
wæke, call together a number of the Pa-
rishioners, and shall then elect and chuse
two honest persons of the parish to be sur-
ueyours and orderers of the works for one
yeare, for amendment of the Highwaies
in their Parish, leading to any Market
Towne: which Persons shall take vp-
on them the execution of their said offices
vpon pain euery of them making default
to forfeit xx.s. And the said Constables
and Churchwardens shall then also name
and appoint six daies for the amendment
of the said Highwaies, before Midsum-
mer then next following: and shall open-
ly in the Church the next Sunday after
Easter, giue knowledge of the same six
dayes. And they also ought to haue one
part of the estreats indented, and shall cal
the Constables to account, &c. as it doeth
appeare before in the thirtieth article of
the Constables office.

7 See after also in the office of the sur-
ueyours of the High-waies for lenying
those forfeitures by the Churchwardens
if the Surueyors shall not leny and im-
ploy the same within one yeare after the
offence committed.

8 And see in the 4. article of the dutie
of the Minister, that the Churchwardens
may giue notice to such as maintaine, or
retaine

Refuse to
come to the
Church.

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retaine in house or otherwise, any person that obstinately refuseth to come to the Church.

Eat flesh.

9 If any person within this Realme, s. El. c. 5. shall (without lawfull licence) eat any flesh vpon any dayes now vsually obserued for fish dayes, he shall forfeit thre li. for euery such offence, or else suffer thre moneths imprisonment. And euery person within whose house any such offence shal be done, and being priuy or knowing thereof, and not effectually disclosing the same to some publike Officer, hauing authority to punish the same, shall for euery offence forfeit xl. s. The third part of all which forfeitures shall be to the vse of the parish wherein such offence shal bee, and to be leuied by the Churchwardens after any conuiction in that behalfe.

Licence to eat flesh.

The Licence for eating of flesh, to be s. El. c. 5. giuen to any person for notorious sicknesse, by the Bishop of the Diocesse, or by the Parson, Vicar, or Curate of the Parish, ought to be registered (if the sicknesse shal continue aboue eight daies after such Licence granted) in the Church Booke, with the knowledge of one of the churchwardens there: and the parties licenced shall giue foure pence to the Curate for the entrie thereof. See before in the duties of Church-Ministers Art. 3.

43.El.ca.2.

10 The Churchwardens, and foure, Poore.
thre, or two others of euery Parish, appointed by the two Iustices of Peace, to be Ouerseers of the Poore there (or the more part of them) may by the consent of two Iustices, from time to time take order, for setting to worke all persons married or vnmarried, that haue no means, or ordinary trade to liue by, & the children of such parents as shalbe thought vnable to maintaine them: and may far as well inhabitants as occupiers of lands in the Parish to pay weekly, or otherwise, such competent summes of money (as they shall think meet) for a Stocke of ware and stuff for such poore to worke, & for the necessarie relief of h^e impotent poore there, and for the putting out of such children to be apprentices: and may execute all other things, concerning the premisses, as to them shall seeme conuenient.

And they shall meete together once in each moneth at the least in the Church, vpon some Sunday in the afternoone, to consider of some good course & meet orders to be set down in y^e premisses, & within 4. dayes after their yeare ended, and other Ouerseers nominated, shall yeld vp to the two Iustices of P. a perfect account of their Poney, Stock, and other things concerning that Office, and shall pay the monies

moneyes that shall bee in their hands, to the new Churchwardens and ouerscers, vpon paine to lose xx. Shillings for euery such monethly absence (without cause, to be allowed by the two Iustices) and for euery negligence in the execution of the said office, or orders made by assent of the two Iustices, as aforesaid.

And the said Churchwardens & Ouer-
scers, (or any of them) by Warrant from
two such Iustices, may leuy such taxati-
ons by distresse and sale of the offenders
goods, as also the mony behinde vpon any
such account, rendering the ouerplus to
the partie: & they (with the leaue of the Lord
of a Common or Wast, in writing) may
erect their conuenient habitations, and
place Innemates therein, at the generall
charges of the parish, &c. When the Stock of
the shire is assessed by the Iustices of P.
in their quarter session vpon euery parish,
the same shal be yearely rated within the
parish by agreement of all the Parishio-
ners, or in default thereof by the Church-
wardens and Constables of the parish, or
the moze part of them who may leuy the
same by distresse, and sale of the goods of
such as refuse to pay the portion thereof,
and shall render the ouerplus thereof to
the owner: & the Churchwardens must
ratably pay ouer to the High Constable
in

in whose limit the parish is situate, tenn
dayes befoze the end of euery Quarter
Sessions, such money as foꝛ that Parish
they ought to pay foꝛ the reliefe of the pri-
soners of the Marshallsey & Kings Bench,
vpon foꝛfeiture of ten shillings foꝛ euery
default of such paiment.

Distructi-
on of ver-
mine

II In euery Parish, the Churchwar-
dens with fire other Parishioners, (to
be required by the Churchwardens) shal
pærely in one of the holy dayes in Easter
weeke, and at euery other time when it
shall bee needefull, take and asseſſe euery
person hauing the possession of any lands
oꝛ tithes within that parish, to pay such
summes of money as they shall thinke
meet, according to the quantitie of such
their lands oꝛ Tithes. And if any such
person doe denie to pay the same, oꝛ doe
not pay the same (within foureteene
dayes next after request thereof made by
the Church-wardens, oꝛ one of them)
then such person shall foꝛſeite foꝛ euery
time five shillings, which (together with
the summe asſeſſed) shall be leuyed by
distresse, of the goods and cattels of such
person, to bee taken by the Churchwar-
dens, oꝛ one of them, the same distresse to
be oꝛdered & vſed, as distresses taken foꝛ
americiaments in Læts. And aswell the
said sums as penalties, (if any of them be
so

8.El.cap.15
& 14.El.ca
11.

80 The duties of Churchwardens.

so leuied) shall be yearely by the Churchwardens, or one of them for the time being, deliuered by Bills indented, to two honest and substantiall persons of the parish, which shall be elected and appointed by the Churchwardens, and shall bee named, The distributers of the prouisiō for the destruction of noisome towle & vermine. And if the said Churchwardens, six persons, or distributers, or any of them, shall refuse or make default in the execution of any part of this act, contrary to the forme thereof, then such offendor shall forfeit for euerie default five pounds, the one moitie to the king, the other to him or them (vsing tillage yearely within the same shire) that will sue theretofore in anie court of Record.

Souldiers
money.

12 The money assessed at the quarter Session by the Iustices of P. vpon enery parish for the releefe of disabled souldiers, may be rated (in default of agreement of the parishioners amongst themselves) by the Churchwardens and Constables of the Parish, or the more part of them: and they may leuie such Rates by distresse and sale of the goods of such as refuse to pay their Rates, rendring to the owner the ouerplus comming of such sale: and the churchwardens must collect and pay ouer to the High Constable, in whose

43. El. c. 3.

division

diuision such parish is, euery such summe
7. dayes before euery quarter Sessions of
the peace, vnder the paine of xx. s. for eue-
ry default thereof.

For the rest of the office of the church-
wardes cōcerning this matter, see after-
ward in the duty of the Distributers. See
also in Cōstables article 26. for the gaole
money to be leuied by Churchwardens.

1. Iac. ca. 9.

13 The Constables & Churchwardens **Tipling.**
omitting their duty in leauing the forsee-
ture of innkeepers &c. suffering any to re-
maine tipling in their houses, or selling
Ale & Beere, otherwise then by the stat.
is appointed: or neglecting by xx. dayes to
certifie the default of distresse, in offēdors
against this act, do therby forfeit for euery
such default xl s. to the poore. Whereof see
before in Constables &c. 53.

1. Iac. c. 27.

14 If any shal haue or keepe any grey,
hound for courting of deere or hare, or set-
ting dogge or dogs, or net or nets, to take
Pheasants, or Partridges contrary to this
statute 1. Iac. c. 27. the Churchwardens
where the offence shall be committed, or
the partie appze hended, are in cases ther-
in mentioned, to receiue to the vse of the
poore of the parish, xl. shillings.

Deere.
Hare.
Pheasant.
Partridge.

3. Iac. ca. 4.

15 The Churchwardens & Constables
of euery Town, Parish, or Chappell, or
some one of them, are yerely to present to

Present
the absent
fro church
of Popish
Recusants

82 The dutie of Churchwardens.

the quarter sessions, the monthly absence from Church of Wopish Recusants; and their childrens names above nine yeeres old, and their age if they can, & the names of their servants upon pain of 20.s. And if such Recusants upon that presentment be indicted and convicted, they are to haue a reward of forty shillings of such Recusants goods. See in Constables &c. 56.

Repairs to
Church.

16 The Churchwardens may by warrant from one Justice of Peace, leuie to the use of the poore, by distresse and sale of the Offenders goods, rendering the overplus to such offender, twelve pence for euery default in not repaying to Church euery Sunday according to the Statute of 1. Eliz. ca. 2. See before Article 5.

3. Jac. ca. 4.

Conceyting
of offenders
to prison.

17 Where an offender committed to prison hath not goods sufficient to defray the charge of conducting him thither, the Constables & Churchwardens, & two or three of the Parishioners, may make an indifferent tax for the same: Whereof see before in Constables 24.

3. Jac. ca. 10

The Office of the Superuisors, Surueyors, or Orderers of the workes for amending of the Highways.



Upon the six daies appointed for working in y^e highwaies in such sort as is before declared in the first Article of the Church,

2. & 3. P. &
M. c. 8. & 5.
El. c. 13. &
39. El. c. 19.

Churchwardens office, euery person for euery plowland in tillage or pasture that he or they shal occupy in the same parish, and euery other person keeping there a draught or plow, shal find & send at euery day & place to be appointed for the amending of the waies in the parish as is afore said, one wain or cart, furnished after the custome of the Countrey, with oxen, horses, or other cattell, & all other necessaries meet to carry things conuenient for that purpose, and also two able men with the same, vpon pain of euery draught making default x.s. And euery other householder & also euery cottager & laborer of y^e parish able to labor, & being no hired seruant by the yere shal by themselves or one sufficient laborer for euery of them, vpon euery of the said six daies worke & trauel in the amendment of the said highwaies, vpon paine of euery person making default to lose for euery day xij.d. And if the carriages of the parish, or any of them shal not be thought needfull by the superuisors to be occupied vpon any of the said daies y^e then euery such person y^e should hane sent any such carriage, shal send to the sayd worke for euery carriage so spared, two able men there to labor for that day vpon paine to lose for euery man not so sent to worke xij.d. And euery person & carriage

housesaid, shall haue and bying with them such shouels, spades, pickes, mattocks, and other toles and instruments, as they doe make their owne ditches and fences withall, and such as be necessarie for their said worke. And all the said persons and cartiages shall doe and keepe their works, as they shall be appointed by the said Superuisors, or one of them, vij. houres of euery of the said dayes, vnlesse they shall be otherwise licenced by the said Superuisors, or one of them.

From henceforth it shall & may be lawfull to all and singular Superuisor and Superuisors and orderers of the works for the time being, for the amendment of the said highwayes, thereunto elected and appointed, according to the statute made in the second and third yere of K. Phillip and M. Mary, for the better reparation & amendment of the High wayes within their severall Parishes and limits where they shall bee so made Superuisors (if it shall bee to them thought necessarie) to take and carrie away of the rubbish, or smallest broken stones of any quarry or quarries, lying or being within the Parish where they shall bee Superuisors, without licence, controlmēt, or impeachment of the owner or owners, so much as by their discretions shall bee deemed
and

and iudged necessarie to the amendment of the said wayes. And that for default of any such quarry, or quarries, it shall and may be lawfull for enery such superuifor, or superuifors, for the vse aforesaid, in the seuerall grounds of any person or persons being within the parish, & limits where they shall be surperuifors and nigh adioyning to the way or wayes wherein such reparations shall be thought necessarie to be made, and wherin grauell, sand, or kninder is likely to be found, to dig or cause to be digged for grauell, sand, or sinder, and likewise to gather stones lying vpon any lands or grounds within the parish, and meet to be vsed to such seruice & purpose therfore, to take & carry away so much as by the discretion of h^e said superuifors shall be thought necessary, to be imployed in the amendment of the said highwaies. Provided alwayes, that it shall not be lawfull to any such superuifor or superuifors, by vertue of this act, to cause any rubbish to be digged out of any quarry or quarries, but only shall extend to such rubbish as shalbe found there ready digged by h^e owner or owners of the said quarry or quarries, or otherwise by his or their licence & comandement, nor shall not extend to giue authoritie to any superuifor, or superuifors to dig or cause to be digged, any grauell,

well, sand, or sinder in the house, garden
or chard or meadow of any person or per-
sons, nor that it shalbe lawfull by this act
to any such Suruysor or Suruysors
to cause any more pits to be digged for
grauell in any seuerall or inclosed ground
than one only, & that the same pit or hole
be digged for grauell as is aforesaid, shall
not by any way be in bredth or length a-
bove ten yards at the most. And y every
such Suruysor as shall cause any such
pit to be made & digged for grauell, sand,
or sinder, as is aforesaid, shall within one
month next after any such digging or pit
made cause the same to be filled & stopped
up with earth, at the cost & charges of the
Parishioners: vpon paine to forfeit to the
owner and owners of the soile, wherein
any such pit shall be made and digged, for
every default fine markes.

Elcap. 13.

From henceforth, every such Suruysor and Suruysors, as aforesaid, shall
by force of this act, within the parish or li-
mits where he or they shalbe Suruysors
haue full power & authority to turne any
such water couthe, or spring of water be-
ing in any of the said highwaies, into any
ditch or ditches of y seueral ground or soile
of any persō or persons whatsoeuer next
adjoining to the said waies, in such man-
ner and forme, as by the discretion of the
said

said Superuisors that be thought meetest
and most convenient,

Such Superuisor or Superuisors for
the time being, within one moeth next af-
ter default or offence made, done, or com-
mitted by any person or persons, contrary
to the prouision, purport, & true meaning
of the stat. made (concerning highwayes)
in the second and third yeare of H. Philip
and Quene Marie, shall present euerie
such default or offence to the next Justice
of peace for the time being, vpon paine to
forfeit for euerie such default and offence,
in such sort not by them presented x s.

Euerie person or persons (except such
as shall dwel in the city of London) y^e shall
be assessed to the payment of any Subsidy
to his Maestie to v. li. in goods, or x s. in
lands or aboue, during all such time as he
shall stand so assessed & not altered, & being
none of the parties chargeable for the a-
mendment of highwayes by any former
law, but as a cottager, shall find two able
men yorely to labo^r in the highwayes, at
such daies, & times, as by y^e seueral Statutes
therof are limited & appointed. And euerie
other that hereafter shall occupy a plough
land in tillage & pasture, lying & being in
seueral parishes, shall be chargeable to the
making of the wayes within the parish
where he dwelleth, as far forth, & in such

manner and forme, as any person hauing a plough land, in any one Parish, is ought to bee chargeable, by reason of the said former Statutes, or either of the. And every person or persons occupying & keeping in his or their hands or possessions, severall or divers plowlands, as aforesaid in severall or divers towns, shall be charged to find in each town or parish (where y^e plowlands being in his occupation do lie) one cart, wain, tubzell, dungpot, or carttless, carts or drags, furnished for the amendment & repairing of the highwaies, within the severall parishes where y^e said plowlands doe lie, in such manner and forme, as if he or they were a parishioner dwelling within the parishes, whete the same severall plowlands doe lie.

Every person or persons, that shall not repair, ditch or scowre, any haies, fences, ditches or hedges, adjoining to any highway, or common fairing way, or shall not cut downe or keepe low all trees & bushes growing in, or next adjoining to any the said waies, according to the true intent & meaning of the act made in the fift yere of the late M. Elizabeths raigne, for every offence committed therein, contrary to the true intent thereof, shall forfeit and loose for every default x. shillings. And all and every person and persons, that shall occu-
pie

pie any lands adioyning to the ground, so adioyning to any such highway, or cōmon fairing way, where any ditching or scowring should or ought to bee, as aforesayd, shal frō time to time, as need shal require ditch and scowze in his or their ground so adioyning, whereby the water conueyed from the said highway, or cōmon fairing way ouer the ground next adioyning, may haue passage ouer the said ground, so next adioyning to that ground, vpon paine of forfeiture for euery time so offending, for euerie Rodd not so ditched and scowzed, twelue pence.

No person or persons haulug any ground by lease or otherwise, adioyning to any highway, or cōmon fairing way leading to any market town, shal cast or scowze any ditch or throw, or lay the soile thereof into the highway, and suffer it to lye there by the space of fire moneths, to bee annoyance of the said highway, or cōmon fairing way, vpon paine of forfeiture for euery loade of soyle, so cast into the highway or common fairing way, in ditching or scowzing, twelue pence. And where any heeretofore haue beene so cast into the highway, or common fairing way, that there is a bank betwēn the said way and the ditch, it shalbe lawfull for the surveyors and workmen, by the lawes and statutes

tates of this Realme, appointed for the amendment of the said waies, to make sluices or other deuices by their discretions, to conuey the water out of the said way into the ditch; any law, right, interest, custome, or vsage to the contrary notwithstanding. Every penalty, sum or sums of money forfeited for any cause within the statute, shall be leuied in euerie parish by the Surueyors of the waies within that parish for the time being, by distresse and sale of distresse, in manner and forme as fines or amerciements in Leetes haue bene vsed, and the money so leuied to be employed vpon the highway or common fairing way, where the offence was committed. And if the Surueyors shall not or will not leuie and employ the same within one yeare after the offence so committed, that then the said summe or summes, forfeiture or forfeitures, shall be leuied in forme aforesaid, by the Constables or Churchwardens of the Towne or Parish where the worke ought to be done in the highway (as is aforesaid) and that hee or they so leuying any of the said penalties or forfeitures, shall make and yeeld such account as is appointed in the before cited statutes, or either of them.

Wealdish
wayes.

In the Wealde of Kent, Suffex, & Surrey, the Surueyors within the Parishes where

where the Highwayes shall bee most annoyed, shal (in default of appointment by the Iustices of W.) assigne and appoint in what places of the Highwaies there, the sinder, gravel, stone or chalke (to be caried by the occupiers of yron woorks) shalbe laied & bestowed: vnder the paines of xl.s. of every such surneyor for every such default, & they shal make demaund of the sorsz. of money to be paid in default of such cariages: & shall present every such default of carriages, or paymēt, at the next quarter Sessions of that county, vpon like paine of xl.s. for every default by them.

The office of the distributors of the provision for the distruction of noysome
Fowle and Vermin.

3 El. ca. 15.
& 14. El. c.
11. & 39.
El. cap. 18.

These Distributers being chosen, & hauing mony (as is before shewed in the 11. Art. of the Churchwardēs office) shal giue & pay of y^e same mony so to the deliuered to every person y^e shall bring to the any heads of old Crowes, Choughs, Pyes or Rookes taken within the seuerall Parishes, for y^e heads of every three of them s. d. and for the heads of every five young crowes, choughs, pyes, or rookes taken, as is aforesaid, s. d. & for every five egges of any of them vnbroken, s. d. and likewise

likewise for every xij. Stales heads a penny. All which said heads and eggs, the said distributers in some convenient place shall keep, & shall every month at y^e least bring forth the same before y^e said Churchwardens & Parsons, or thre of them, and then and there to them shall make a true account in writing what money they have laid forth & payd for such heads and eggs, and for the heads of such other ravenous birds and vermin as are hereafter in this act mentioned: that is to say, for every head of Herton, Hawkes, Fursekite, Goldkit, Buzzard, Scag, Cozmoxant, or Kingtaile, ij. d. and for every two eggges of them, a penie: for every Iron or Dsprayes heads, iij. d. for the head of every Woodwall, Pye, Jay, Raven, or Kite, a penny: for the head of every Bird, which is called the Kings fisher, s. d. for the head of every Bulfinch, or other bird that devourerth the blouth of fruit, one penny: for the heads of every Fore, or Grey, xij. d. and for the head of every Fitzhelew, Volcat, Weasell, Stote, Faire, Badger, or Wildcat, a penny: for the heads of every Otter or Hedgehog, ij. d. for the heads of every three Rats, or xij. Mice, s. d. for the heads of every Goldwarp, or Want, an halfpenny: for the heads of every which birds & vermin last mentioned, y^e last Distributers

Distributers shall likewise pay and giue to the bringer of them, for enery head killed and taken within their seneral parish, as befoze is limited, and shall keepe the same to be shewed forth vpon their account, in maner & forme as is aforesaid. All which sayd heads and egges shall be forthwith after such account made in the ppresence of the said Churchwardens and Parors, or of thzee of them, burned, consumed, or cut in sunder.

And if vpon any account to be made in the end and determination of the office of any such distributers, it shall appeare that any summe of money is remaining in the hands of the said Distributers, or any of them, then the same shall be by bill indented, as is aforesaid, deliuered ouer to such persons, as be or shalbe elected to the same office for the yeare next following, by the to be distributed as is aforesaid: this shal uot in any wise extend, to giue any liberty or authority to any person or persons, to vse or exercise any meanes or engin, for y distruction of crofts, or ricks, chonghs, or other the vermin aforesaid in any place or places to the disturbance, let, or distruction of the building, or breeding of any kind of Hawkes, Herons, Egrets, Pau-pers, swans, or shouelars: or to the hurt and distruction of any Doves, done-hou-ses

les, déere, o2 warren of conies, no2 extend
 to giue o2 appoint any lathme o2 summes
 of monie to be giuen, payd, o2 distributed
 to any person o2 persons for the head o2
 heads of any buzzard, ring-taile, Werne,
 palcat, stichew, o2 skote, take in any park,
 warren, o2 ground imployed to the main-
 tenance of any game of conies, o2 to any
 Stares taken in dome houses, no2 to the
 killing o2 bringing the head of any kite o2
 rauen killed in any citie o2 towne corpo-
 rate, o2 within two miles of the same.

FINIS.

